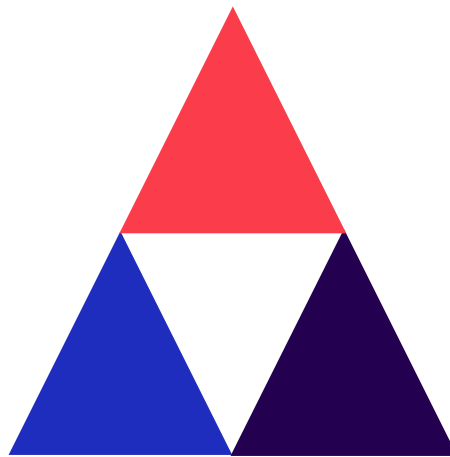




► Record of Proceedings

Meeting of Experts on Guidelines for Fair Labour Market Services for Migrant Fishers
(Geneva, 27–31 October 2025)



► Contents

	Page
Introduction	5
General discussion	6
Guidelines for Fair Labour Market Services for Migrant Fishers	10
I. Purpose and scope.....	10
II. Definitions	14
III. Guidelines.....	17
A. Guidelines for all States	17
B. Guidelines for States of recruitment.....	24
C. Guidelines for States of origin	36
D. Guidelines for flag States.....	42
E. Guidelines for port States.....	58
F. Guidelines for coastal States.....	60
G. Guidelines for labour recruiters	61
H. Guidelines for fishing vessel owners	65
I. Guidelines for migrant fishers and their representatives	71
Appendix I. Tools to facilitate the implementation of the Guidelines	73
Appendix II. Guidance on data and statistics relating to migrant fishers.....	78
Closure of the meeting.....	79

► Introduction

1. In accordance with decisions taken by the International Labour Organization (ILO) Governing Body at its 353rd Session in March 2025, a Meeting of Experts was convened in Geneva from 27 to 31 October 2025 to discuss and adopt guidelines on fair labour market services for migrant fishers. The aim was to provide guidance for all relevant stakeholders in terms of recruitment processes, work agreements, complaint procedures, enforcement measures and other essential aspects aimed at ensuring fair treatment, safeguarding the rights of migrant fishers and supporting employers to recruit and retain a suitable skilled workforce.
2. The Officers of the Meeting were:

Chairperson:	Ms Julie Carlton
Government Vice-Chairperson:	Mr Shaun Rogers (United Kingdom of Great Britain and Northern Ireland)
Employer Vice-Chairperson:	Mr Cor Blonk
Worker Chairperson:	Mr Johnny Hansen
3. The Secretariat of the Meeting comprised: Mr Frank Hagemann (Secretary-General of the Meeting), Ms Yukiko Arai (Deputy-Director of the Sectoral Policies Department and Deputy Secretary-General of the Meeting), Ms Christine Bader (Executive Secretary of the Meeting), Mr Tariq Haq (Head of the Transport and Maritime Sectors Unit) and Ms May Mi Than Tun (Coordinator of the Meeting and Chief of the Secretariat Services).
4. The Meeting was attended by 78 participants, including 11 Government representatives and advisers (from 7 Member States), together with 34 Government observers (from 34 Member States), as well as 8 fishing vessel owner and 13 fisher representatives and advisers, and 7 observers from invited international governmental or non-governmental organizations.
5. The Chairperson welcomed the participants to the Meeting and encouraged them to use their knowledge and experience to enhance the relevance, clarity and accuracy of the draft guidelines to ensure fair labour market services for migrant fishers. Although the adopted guidelines would not be legally binding, they would provide guidance for all stakeholders in the sector. Stressing that consensus could be achieved through social dialogue based on respect and a shared purpose, she declared open the first Meeting of Experts on guidelines for fair labour market services for migrant fishers.
6. The Secretary-General of the Meeting welcomed experts and observers from a broad range of sectoral entities, brought together for a common purpose: to ensure that people working at sea enjoyed the same level of dignity and protection as other workers. The adoption of the Work in Fishing Convention, 2007 (No. 188), which embodied the principles of fairness, safety and dignity, had marked an important milestone, as the fishing sector had hitherto lacked a comprehensive international labour standard. In 2017, the year that the Convention had entered into force, the tripartite Technical Meeting on Issues relating to Migrant Fishers had been held in Geneva, focusing on the complex issue of migrant fishers, a group of workers vital to the global fishing industry but for which reliable employment data was scarce. That lack of data had made it difficult to analyse market indicators or identify global or regional trends, creating challenges with regard to labour rights protection. The 2017 meeting had highlighted that migrant fishers were exposed to serious decent work deficits, navigating not only the sea but the uncertainty of recruitment systems that often left them invisible, unprotected and unheard. The meeting had called for

effective enforcement of their fundamental rights and access to justice, regardless of their migration status, and for a clear division of responsibilities among States of origin, recruitment, flag, port, coastal States. It had also highlighted the slow pace of ratification of the Work in Fishing Convention, 2007 (No. 188). Consequently, the meeting had adopted a resolution on issues relating to migrant fishers, which gave the ILO a clear mandate to develop guidelines for fair labour market services for migrant fishers and to strengthen the collection of data and statistics (TMIMF/2017/8). The present meeting provided an opportunity to turn that mandate into action, to ensure that migrant fishers enjoyed the dignity that all workers deserved. The draft guidelines prepared by the Office would serve as a solid basis for discussions. He expressed the hope that by the end of the week, the Meeting would adopt a practical tool to protect and promote fishers' human and labour rights.

7. The Executive Secretary of the Meeting presented the draft guidelines for fair labour market services for migrant fishers, providing an overview of their scope, structure and sources of inspiration. She clarified the working definition of migrant fishers, and explained which groups of workers were explicitly covered by the draft guidelines, noting that although the guidelines applied to all commercial fishing operations – excluding subsistence fishing – it might be necessary to adapt them to reflect the unique working realities and governance structures of certain groups, such as artisanal fishers.
8. The draft guidelines were structured according to the recipient or addressee of the relevant guidance, to reflect the multi-stakeholder nature of labour migration in the fishing sector, shaped by complex recruitment processes, multi-jurisdictional employment arrangements and regulatory oversight gaps. The aim was to create a user-friendly tool for all relevant stakeholders. A range of sources had been used to develop the document, including international labour standards, best practices, tripartite agreed texts, national legislation and regional initiatives. She noted that the tools featured in Appendix I to the draft document aimed to facilitate the implementation of the guidelines.
9. Although not legally binding, the guidelines were aspirational and aimed to set ambitious goals, beyond the provisions of the Work in Fishing Convention, 2007 (No. 188), and provide tools that could be adapted to national contexts. Nothing in the draft guidelines reduced the protection afforded to migrant fishers. At the national level, their implementation should be based on consultation involving the government and the social partners. She stressed that social dialogue played a key role in the design and implementation of effective policies to ensure fair labour markets for migrant fishers.

► General discussion

10. The Worker Vice-Chairperson stated the need to ensure fairness and accountability in a largely unregulated sector. Fishers deserved the same level of protection and respect, as well as the same rights, as other workers.
11. The fishing industry increasingly depended on migrant labour, with fishers working on vessels under a variety of flags and ownership structures. Recruitment often involved multiple intermediaries and jurisdictions, increasing the risk of exploitation, trafficking and forced labour. Challenges included weak governance, limited enforcement and the lack of clear, common standards or reliable data on the recruitment and employment of migrant fishers. Fishers, who worked in one of the most dangerous professions in the world, were entitled to a safe and healthy working environment, recognized as a fundamental right under the ILO Declaration on

Fundamental Principles and Rights at Work (1998, as amended in 2022) alongside freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation. The ILO thus had a key role to play in addressing gaps, adopting international instruments and holding Member States accountable with respect to their implementation, monitoring compliance, reviewing progress, and providing a space for workers, employers and governments to be answerable to each other. The proposed guidelines must be tied to the ratification and enforcement of key ILO instruments, including the Work in Fishing Convention, 2007 (No. 188), the Migration for Employment Convention (Revised), 1949 (No. 97), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Violence and Harassment Convention, 2019 (No. 190). Implementation and enforcement must follow, including through cooperation among flag States, States of origin and coastal States. Three priorities must be taken into account when drafting the guidelines. Firstly, recruitment should be free of charge to workers; recruitment fees and related costs should be borne by employers and vessel operators. Moreover, governments must: prohibit fee-charging, license and monitor recruitment agencies, and take decisive action against those profiting from debt bondage. It was essential to ensure cross-border accountability through cooperation among States to verify contracts, share information and employment data on migrant fishers (currently lacking), and ensure oversight throughout the recruitment chain. As fishing was a global industry, mechanisms to protect workers must have a global scope. Thirdly, it was vital to ensure access to representation and remedy for fishers, who must be able to report abuses, seek redress and engage with unions without fear of retaliation or deportation. In that regard, trade unions played a unique and irreplaceable role, often as the only entities capable of reaching out to fishers directly and providing protection. Unions shared information on rights, received reports of abuses and helped to resolve cases when the system failed. Through collective bargaining, they negotiated agreements to protect fishers, regardless of nationality, and held employers and governments accountable. Freedom of association and collective bargaining were the cornerstone of fair recruitment. The guidelines must be underpinned by reliable data. Fair recruitment requirements should be integrated into vessel licensing and flag-State control, linking compliance to market access and due diligence frameworks, and supporting bilateral and regional agreements that would connect recruitment, inspection and enforcement. It was also essential to ensure that fishers' voices, through their unions and support networks, were heard in the monitoring and implementation processes. Although the fishing industry helped to feed the world, fishing remained a poorly protected and regulated form of work. Basing the proposed guidelines on international labour standards, holding States accountable and strengthening the role of unions and workers' networks would help to promote transparent recruitment practices and lawful employment, free of any form of coercion or exploitation.

12. The Employer Vice-Chairperson said that the fishing industry, which sustained communities across the world and was vital to global food security, depended on migrant labour. Challenges facing fishing vessel owners and employers included informal employment – leading to a lack of reliable data – regulatory complexity or ambiguity, enforcement difficulties and shortages of qualified personnel. Such challenges could not be solved by regulation alone; an enabling environment was needed for sustainable enterprises, to ensure decent work. To address the problem of an ageing workforce in the fishing sector in many regions, coherent migration and social protection policies, bilateral agreements, and measures to facilitate formal labour mobility were required. Wisely managed migration benefited workers, employers and societies. He urged the meeting to focus on achieving guidelines that were balanced, realistic and supportive of all actors, enabling fair recruitment practices that would uphold human dignity and promote business sustainability.

13. The Government Vice-Chairperson stated that governments had a responsibility to establish legal and institutional fair recruitment frameworks, strengthen coordination among relevant ministries and ensure effective inspection and enforcement. The guidelines provided a valuable opportunity to clarify complex, cross-border realities and promote cooperation among flag and coastal States, States of origin and of recruitment. While some countries had already ratified or implemented the Work in Fishing Convention, 2007 (No. 188), negotiated bilateral agreements or strengthened collaboration with social partners, others were still developing the necessary institutional capacity. The guidelines should translate international standards into practical measures for recruitment, inspection, and access to justice for migrant fishers. They should be clear, actionable and adaptable to different legal systems and diverse national contexts. The guidelines should help governments to design fair recruitment policies, strengthen monitoring systems and enhance coordination across borders.
14. The Government expert from France said that his Government, together with the Government of the United Kingdom of Great Britain and Northern Ireland, the European Commission and the ILO had launched a joint campaign for decent work in fisheries, to promote the ratification and implementation of the Work in Fishing Convention, 2007 (No. 188) which had, to date, only been signed by twenty-four States. Activities included raising public awareness of the Convention, facilitating regional cooperation and institutional dialogue, and strengthening the capacity of governments and social partners. His Government encouraged other stakeholders to join the campaign, contributing their diplomatic influence and technical expertise to the project.
15. The Government expert from Indonesia said that the guidelines could contribute to promoting decent work for migrant fishers in an inherently complex sector, involving cross-border jurisdictions and multiple actors. Fishing was one of the most hazardous occupations in the world and migrant fishers were particularly vulnerable to poor working conditions and abuse, including forced labour and human trafficking. As the world's second largest fisheries producer and a State of origin for migrant fishers, Indonesia had recently made a commitment to ratify the Work in Fishing Convention, 2007 (No. 188). She described national measures targeting the fishing sector, including a ministerial memorandum of understanding on inspection of labour standards on fishing vessels and reform of recruitment and placement processes, as well as the adoption of a regulation on recruitment agency compliance. She stressed the need for international cooperation. The guidelines should foster transparency, stakeholder accountability and fair labour services, while taking into account the capacities of developing and archipelagic States, with a view to strengthening protection and multi-stakeholder cooperation for the benefit of all migrant fishers.
16. The Government expert from South Africa said that despite their critical role, migrant fishers remained vulnerable to exploitation, owing to abusive recruitment practices, excessive fees, complex jurisdictions and regulatory gaps. At the national level, his Government had ratified the Work in Fishing Convention, 2007 (No. 188) in 2020 and, in 2023, engaged in tripartite dialogue to strengthen inspection frameworks and training in the fishing sector. With support from the ILO 8.7 Accelerator Lab Initiative, training had been provided on forced labour indicators, and embassies empowered to help exploited fishers. Those actions complemented the Government's commitments under the Maritime Labour Convention, 2006, as amended (MLC, 2006) and other national measures, including its policy on small-scale fisheries and legislation on marine living resources. His Government supported fair recruitment, clear employment agreements, effective grievance mechanisms, social protection and improved data collection. He urged all governments, social partners and civil society to endorse the guidelines and to work together to ensure fair labour markets, uphold human rights and promote a sustainable global fishing sector.

17. The Government expert from the United Kingdom of Great Britain and Northern Ireland stressed that fishers were critical to global food security and that the sector provided valuable employment opportunities that supported coastal economies. A decent and safe working environment for fishers, free from exploitation, was a priority for his Government, which had joined the Government of France and the European Commission in supporting the ILO campaign to encourage and assist States in ratifying the Work in Fishing Convention, 2007 (No. 188). He urged all governments represented at the meeting to advance ratification efforts. He added that his Government, together with the Government of France, stood ready to provide advice and support in that regard.
18. The observer from the International Maritime Organization recalled the long history of cooperation between the ILO and his organization, including through the Joint IMO-ILO Tripartite Working Group on Seafarer Issues and the Human Element (JTWG). In recent years, the JTWG had held several meetings and, the end of 2024, the Working Group had adopted guidelines on the fair treatment of seafarers detained in connection with alleged crimes. He noted that concerns had been raised regarding the growing number of abandonment cases: entries in the ILO/IMO Joint Database on Abandonment of Seafarers, which included fishers reflected a sharp increase in reported cases. Such cases often involved failure by shipowners to repatriate crew or provide wages and necessities. The draft guidelines aimed to consider issues relevant to flag, port and coastal States, as well as vessel owners and fishers, including repatriation, financial security systems and assistance to abandoned fishers, which were also pertinent to ongoing IMO discussions on the abandonment database and the application of the joint ILO-IMO Guidelines on fair treatment. Drawing attention to synergies with relevant IMO Conventions, he stressed that his organization remained interested in the development of the present Guidelines and stood ready to provide assistance, where appropriate.
19. The observer from the Food and Agriculture Organization stated that migrant fishers' safety and well-being were vital to resilient food systems, sustainable fisheries and coastal community livelihoods. The draft guidelines provided an important opportunity to strengthen alignment between fisheries management and labour regulation. They could also help to advance the objectives of the FAO Code of Conduct for Responsible Fisheries, the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, and the Agreement on Port State Measures (PSMA). She emphasized the complementarity between those instruments and the Work in Fishing Convention, 2007 (No. 188) and related ILO labour standards which, together, formed a coherent global framework for promoting decent work and sustainable fisheries. Ongoing inter-agency collaboration through the Joint FAO/IMO/ILO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters provided a platform for integrating fisheries, maritime and labour perspectives, including port controls, vessel documentation, data interoperability and responses to illegal, unreported and unregulated fishing and labour exploitation. The fifth session of the Working Group, held in Geneva the previous year, had produced recommendations relevant to the current guidelines, including on strengthening port-level responses, promoting information-sharing and developing tools to identify indicators of illegal fishing and labour abuse. She drew attention to the recent launch of the FAO-ILO Policy Guidance on the Elimination of Child Labour in Fisheries and Aquaculture. The lessons learned with respect to regulated recruitment, clear contracts, social protection and community awareness were directly applicable to ensuring fair labour market services for migrant fishers. Her organization remained committed to supporting the implementation of the guidelines through technical assistance, dialogue and the exchange of best practices.
20. The observer from the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations reaffirmed the importance of ILO sectoral activities and

the policy and technical instruments developed through them. He stressed that sectoral meetings were critical to identifying specific challenges, developing evidence-based responses and producing practical guidance to support governments and social partners in achieving real change. They led to the development of targeted actionable tools to help protect workers, build sustainable labour systems and strengthen the fundamental values of the ILO.

21. Migrant fishers represented one of the most vulnerable yet essential categories of workers in the global food system. They were the backbone of the fisheries and seafood sector, often working in isolated settings and beyond the reach of the law. The present meeting provided an opportunity to establish a comprehensive global framework to safeguard their rights, enable enforcement and address abuses such as deception, debt bondage, forced labour, violence and deaths at sea. The proposed guidelines could serve as a reference for future regulation, as well as a catalyst for raising standards across the fish and seafood supply chains. He stressed the importance of ensuring accountability throughout the supply chain, and noted that the guidelines could help to embed accountability. They could serve, alongside other ILO instruments, including the FAO-ILO Policy Guidance on the Elimination of Child Labour in Fisheries and Aquaculture, to promote decent work and human rights for fishers and fish workers. He expressed concern that the ILO had not been able to hold the planned Meeting of Experts on a Code of Practice on Occupational Safety and Health in Aquaculture, originally scheduled for December 2025. He stressed that aquaculture was the fastest-growing food sector and that the inability to advance that work created a serious gap. He urged that the process be rescheduled without delay to ensure a coherent sectoral approach. He called for the development of fair, transparent and accountable labour market systems, and stressed that migrant fishers needed guarantees that their rights would travel with them across borders and oceans.

► Guidelines for Fair Labour Market Services for Migrant Fishers

I. Purpose and scope

Proposed paragraph 1

22. The Employer Vice-Chairperson proposed to insert “effective and sustainable” after the word “fair” in the first sentence, and to replace the final sentence with the following text: “They are intended to assist States and social partners in ensuring fair recruitment and employment practices that protect migrant rights and enable employers to recruit and retain skilled motivated crews, efficiently and lawfully.” As the ILO was a tripartite body, the text should only refer to its three constituents. He further proposed to add the following at the end of the paragraph: “Fishing vessel owners and employers are crucial in creating a decent working environment for all, developing and implementing fair recruitment and management practices that provide decent employment opportunities and invest in capacity-building for migrant fishers.”
23. The Government expert from the United Kingdom of Great Britain and Northern Ireland suggested that the word “fishers” should be inserted between the words “migrant” and “rights”.
24. The Worker Vice-Chairperson said that as section H of the guidelines was specifically aimed at labour recruiters, they should be listed alongside States and social partners.
25. The Government Vice-Chairperson also preferred to retain, in the second sentence, the list of all stakeholders for whom the guidelines would be of use (States of recruitment, States of origin, flag

States, port States, coastal States, labour recruiters, fishing vessel owners, and migrant fishers and their representatives).

- 26. It was so agreed.
- 27. Paragraph 1 was adopted as amended.

Proposed paragraph 2

- 28. Paragraph 2 was adopted as proposed.

Proposed paragraph 3

- 29. The Employer Vice-Chairperson proposed to replace “Nothing set out in these Guidelines should be understood as lowering the protection” with: “These Guidelines should be understood as providing effective implementation of protections afforded to migrant fishers...”.
- 30. The Worker and Government Vice-Chairpersons did not support the proposed amendment.
- 31. After the Executive Secretary explained that the rationale behind that paragraph, based on text included in other sets of guidelines, was to clarify that the guidelines did not lower the level of protection already afforded by international labour standards, the Employer Vice-Chairperson agreed to retain the original wording.
- 32. Paragraph 3 was adopted as proposed.

Proposed paragraphs 4 to 6

- 33. Paragraphs 4 to 6 were adopted as proposed.

Proposed paragraph 7

- 34. The Worker Vice-Chairperson proposed to add the following text at the end of the paragraph: “The principles espoused in these Guidelines, while primarily intended to address the situation of migrant fishers, should apply equally to all fishers. All fishers working in international waters, regardless of nationality and flag of their vessel, deserve equal consideration and protection, especially when they face conditions that expose them to vulnerability.”
- 35. The Employer Vice-Chairperson said that, given the need to ensure equal treatment for all fishers under all circumstances, the sentence should end after “protection”, and the wording “especially when they face conditions that expose them to vulnerability” should be deleted.
- 36. The Government Vice-Chairperson raised concerns that the text proposed by the Worker Vice-Chairperson would expand the scope of applicability of the guidelines to all fishers.
- 37. The Executive Secretary clarified that while the guidelines focused on fair labour market services for migrant fishers, they constituted an aspirational document and could include more general references.
- 38. The Government Vice-Chairperson proposed to add “where relevant” after “apply equally to all fishers” and agreed with the proposal to end the final sentence after “protection”. He further proposed to replace “espoused” with “presented”.
- 39. Paragraph 7 was adopted as amended.

Proposed paragraph 8

40. The Employer Vice-Chairperson expressed concerns regarding the status and relevance of some of the instruments listed and the risk of missing out important ones. He proposed to end the paragraph after “the ten fundamental Conventions”.
41. The Government Vice-Chairperson and Worker Vice-Chairperson preferred to retain the original text, stressing its usefulness to stakeholders not familiar with the ILO and international labour standards. The Government Vice-Chairperson added that the instruments had been reviewed by the Standards Review Mechanism and were considered still relevant.
42. The Employer Vice-Chairperson agreed to retain the list, but stressed that it should include only up-to-date instruments, examined within the framework of the standards review process.
43. The Worker Vice-Chairperson suggested that the Violence and Harassment Convention, 2019 (No. 190) should be added to the list of instruments.
44. The Government Vice-Chairperson proposed to retain “other international labour standards”, to delete the wording “including, but not limited to, the ten fundamental Conventions” and to merge the text of paragraphs 8 and 10. The amended version of paragraph 8 would read:

These Guidelines are based on and reflect in full the principles, rights and obligations set out in the Work in Fishing Convention (No. 188) and Recommendation (No. 199), 2007. They should be read in conjunction with these instruments and with the relevant provisions of other international labour standards. A non-exhaustive reference list of the international labour standards most relevant to fair labour market services for migrant fishers is provided as Tool 8 (Appendix I).

45. The Employer Vice-Chairperson proposed to insert “up-to-date” after “a non-exhaustive reference list of” and asked the Office to check the status of the standards included in the list.
46. Following further discussions, including queries regarding the status of instruments, the consequences of a standard not being considered “up-to-date”, and the contents of Tool 8 – to which a reference had been proposed – a request was made to the Office for clarification.
47. The Representative of the Legal Adviser indicated that “up-to-date” usually referred to a classification assigned to ILO Conventions and Recommendations by successive working parties and groups tasked with the revision of standards since the 1970s. At its third Meeting in 2017, the Tripartite Working Group of the Standards Review Mechanism of the Governing Body had considered the following definition: “Up to date instruments are instruments that are fit for purpose. Up to date instruments are promoted by the Office, fully supervised by the Committee of Experts, and will be included in all publications on the standards.” The term therefore referred to a classification assigned to a Convention or Recommendation in the framework of the standards revision process. Conventions, which were in force, even when not designated as “up to date”, were active instruments and as such subject to full supervision by the ILO’s supervisory system. In line with the terms of reference of the Tripartite Working Group of the SRM, reviews undertaken by the Working Group “shall not have any effect on the legal status of a standard until a final decision has been taken on that standard by the International Labour Conference or the Governing Body, as appropriate”. The Office, in principle, promoted all active standards, including those deemed outdated, as that classification had no impact on their relevance. While the ILO’s limited resources normally focused on promoting up-to-date instruments, it had no mandate to freeze such activities for instruments the fate of which had not been determined by the Standards Review Mechanism. It therefore followed that the term “up-to-date”, proposed for inclusion in paragraph 8 of the draft guidelines, would not limit the Office’s or governments’ obligations. Therefore, legally, it served no purpose.

48. The Government expert from France, in the light of the clarification by the Representative of the Legal Adviser, expressed support for including all relevant active instruments, irrespective of whether they were classified as “up-to-date”.
49. The Employer Vice-Chairperson said that the decisions of the Standard Review Mechanism Tripartite Working Group regarding the status of ILO Conventions should be respected. Promoting outdated standards would go against the decisions of that mechanism and risk undermining trust in the tripartite process. States should only ratify Conventions that were “up-to-date”, following consultations with social partners and regular gap analyses. He further stated that Tool 8 should include only those Conventions confirmed as “up-to-date” by the Standard Review Mechanism, as consistency with Governing Body decisions and tripartite dialogue in other forums was crucial.
50. The Government Vice-Chairperson said the guidelines were intended for universal use, including by States that had not ratified the relevant Conventions. He also recalled that Tool 8 was a non-exhaustive list, and that governments ratified only instruments that were in force.
51. The Government expert from the United Kingdom of Great Britain and Northern Ireland noted that in his country the Seafarers’ Identity Documents Convention, 1958 (No. 108), which applied to fishers, remained in force, as the Government had not ratified the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185). This Convention had been considered outdated but was very relevant in his country, including for migrant fishers. He therefore stressed that some “outdated” Conventions could still be legally binding and should not be overlooked.
52. The Executive Secretary said that none of the standards listed in paragraph 8 was outdated. Most of them were up-to-date instruments.
53. Further discussions followed, during which several proposals and counterproposals for alternative wording were made by the Government and the Employers’ groups.
54. The Employer Vice-Chairperson reiterated his group’s position that only up-to-date instruments should be listed and stressed the importance of ensuring that the enumerated standards did not lower the bar in terms of protection. He requested reassurance from the Office that none of the instruments listed in Tool 8 contained provisions offering lower levels of protection than the proposed guidelines.
55. The Executive Secretary cited Article 19, paragraph 8, of the ILO Constitution, relating to effect of Conventions and recommendations on more favourable existing provisions, which stated that “in no case shall the adoption of any convention or recommendation by the conference or the ratification of any Convention by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the convention or recommendation”. She added that the present guidelines – as an aspirational document – went beyond the level of protection provided under many standards, including the Work in Fishing Convention, 2007 (No. 188).
56. Following further discussions, the representative of the Employers’ group Secretariat proposed to: revert to the original wording of paragraph 8; add the Violence and Harassment Convention, 2019 (No. 190) to the list of instruments; and insert additional text with a reference to Tool 8. The compromise text would read:

These Guidelines are based on and reflect in full the principles, rights and obligations set out in the Work in Fishing Convention (No. 188) and Recommendation (No. 199), 2007. They should be read in conjunction with these instruments, the ten fundamental Conventions and other instruments relevant to the fishing sector, including, but not limited to, the Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86), 1949; the Migrant

Workers (Supplementary Provisions) Convention (No. 143), 1975, and the Migrant Workers Recommendation (No. 151), 1975; the Private Employment Agencies Convention, 1997 (No. 181); the Employment Service Convention, 1948 (No. 88); and the Violence and Harassment Convention, 2019 (No. 190).

57. As part of the compromise proposal, a new paragraph would be inserted with a reference to the list in Tool 8 (Appendix I). The wording would be taken from existing paragraph 10, which would be deleted.
58. Paragraph 8 was adopted as amended.

Proposed paragraph 8 *bis*

59. As agreed during discussions under paragraph 8, a compromise proposal was made to insert a new paragraph after paragraph 8, using the wording from paragraph 10, to read as follows:

A non-exhaustive reference list of international labour standards most relevant to fair labour market services for migrant fishers is provided in Tool 8 (Appendix I).

60. The representative of the Employers' group Secretariat noted that, as part of the compromise proposal, a footnote would be added to Tool 8 (Appendix I) relating to the status of selected instruments.
61. Paragraph 8 *bis* was adopted.

Proposed paragraph 9

62. Paragraph 9 was adopted as proposed.

Proposed paragraph 10

63. As agreed under paragraph 8, paragraph 10 was deleted and moved to paragraph 8 *bis*.

II. Definitions

Proposed paragraph 11

Subparagraphs (a) and (b)

64. Subparagraphs (a) and (b) were approved as proposed.

Subparagraph (c)

65. The Employer Vice-Chairperson proposed the following wording: "including digital or electronic versions when recognized by the competent authorities at national level", to be inserted after the word "vessel".
66. The Government Vice-Chairperson suggested replacing the word "versions" with "agreements".
67. It was so agreed.
68. Subparagraph (c) was approved as amended.

Subparagraphs (d) and (e)

69. Subparagraphs (d) and (e) were approved as proposed.

Subparagraph (f)

70. The Employer Vice-Chairperson expressed doubts regarding references to operations “outside legal and regulatory frameworks” and proposed to delete that wording.
71. The Government expert from France noted that the wording had been taken from agreed text, namely the ILO General principles and operational guidelines for fair recruitment, 2019. However, he proposed to end the sentence after “(see definitions)”.
72. Following a discussion on the definition and function of “labour recruiters”, a request was made to the Office for additional clarification.
73. The Executive Secretary explained that, during the tripartite discussion on general principles and operational guidelines for fair recruitment, a broad definition of “labour recruiter” had been agreed. Concerns had been raised about the growing role in many countries of labour intermediaries and recruitment agencies operating outside the legal, and ILO research had highlighted a link between informal and non-regulated recruiters with abusive recruitment practices, the circumvention of migration and labour regulations and forced labour and trafficking in persons. Attempts to regulate subagents and informal recruiters had taken place in a number of countries in recognition that those were often at the origin of deception and exploitation. In some countries, licensed recruiters could register a limited number of subagents operating at local level and with whom they must have a formal contractual relationship. In other countries, subagents were not allowed by law. In both cases, informal and unregulated brokers and subagents operated at local level and were usually compensated on the number of workers they managed to recruit, which acted as an incentive for fake promises and deceptive practices. The draft guidelines therefore made explicit reference to recruiters that operated outside the legal framework with a view to reflect that reality by recognizing their existence and very prominent role in the recruitment process in many countries and the need to establish their accountability vis-a-vis fair recruitment practices and protection of workers.
74. On the basis of that explanation and given that the existing wording had been taken from the agreed tripartite text referenced in the footnote, namely the General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs, 2019, the Government expert from France withdrew his proposal and the Meeting agreed to retain the original wording of the subparagraph.
75. Subparagraph (f) was approved as proposed.

Subparagraph (g)

76. The Worker Vice-Chairperson proposed to add the following text: “whether employed or self-employed”, noting that some migrant fishers were paid by share of the catch which, in certain States, classified them as self-employed.
77. The Employer Vice-Chairperson and the Government Vice-Chairperson stated their preference for the original text, with the Employer Vice-Chairperson pointing out that certain States might view self-employed fishers as de facto employers.
78. During the subsequent discussion, it was pointed out that the definition of a “fisher” in the Work in Fishing Convention, 2007 (No. 188) also covered self-employed fishers.
79. The Worker Vice-Chairperson, in view of clarifications provided, withdrew his proposal.
80. Subparagraph (g) was approved as proposed.

Subparagraph (h)

81. The Employer Vice-Chairperson, noting that Article 22, paragraph 4, of the Work in Fishing Convention (No. 188) referred to the Private Employment Agencies Convention, 1997 (No. 181), stated that his group preferred to align the wording of the subparagraph with the definition of “private employment agency” as set out in Article 1 of Convention No. 181.
82. Clarification was requested from the Office with regard to the differing definitions of the term “private employment agency” contained in the draft guidelines and the Work in Fishing Convention, (No. 188) on the one hand, and the Private Employment Agencies Convention, 1997 (No. 181) on the other.
83. The Executive Secretary explained that the definition of the term “private employment agency” in the draft guidelines was in line with the Work in Fishing Convention, 2007 (No. 188). Article 22, paragraph 4 of that Convention only referred to private employment agencies providing the labour market services described in paragraph 1(b) of Convention No. 181 – namely employing workers with a view to making them available to a third party and thus becoming the employer in the employment relationship. She further noted that the term “recruitment and placement services” as defined in Convention No. 188 included entities engaged in job matching or recruiting fishers on behalf of fishing vessel owners without becoming the employer, i.e. which under Convention No. 181 were private employment agencies providing the services described in Article 1, paragraph 1 (a). The draft guidelines therefore distinguished between labour recruiters for general recruitment and job-matching activities (“recruitment and placement services”) and labour recruiters performing the specific function described under Article 1 (b) of Convention No. 181 (“private employment agencies”). By way of clarification, she noted that “labour recruiter” was used as the umbrella term for both public and private recruitment and placement services and private employment agencies that took on the role of employer.
84. In the light of that clarification, the Meeting agreed to retain the original text, with the addition – as proposed by the Employer Vice-Chairperson – of an explanatory reference to the relevant Convention. The additional text, to be inserted after “supervises the execution of these tasks, would read: “in line with Convention No. 188 (which refers to Convention No. 181, Article 1, paragraph 1(b)).” It was agreed to insert that clarification throughout the guidelines.
85. Subparagraph (h) was approved as amended.

Subparagraph (i)

86. Subparagraph (i) was approved as proposed.

Subparagraph (j)

87. Following a discussion on the definition and function of “recruitment and placement services”, the Employer Vice-Chairperson proposed to delete the final sentence in the paragraph, namely “This can include any natural or legal person, including intermediaries, subagents or individual brokers”.
88. The Government Vice-Chairperson proposed, for clarification purposes, to insert after the words “fishing vessel owners” the following text: “without becoming party to the employment relationship which may arise therefrom.” Corresponding text would also be introduced in Tool 5.
89. Subparagraph (j) was approved as amended.

Subparagraphs (k) to (m)

90. Subparagraphs (k) to (m) were approved as proposed.

Subparagraph (m) *bis*

91. The Employer Vice-Chairperson proposed to delete the words “bullying and sexual assault” from the text, since they were not defined in the Violence and Harassment Convention, 2019 (No. 190).
92. The Government Vice-Chairperson opposed that proposal, noting that the terms were based on the provisions of the Maritime Labour Convention, 2006, as amended (MLC, 2006).
93. The Executive Secretary indicated that there was no direct reference to Convention No. 190 in the text itself, but it was listed in Tool 8 among the most relevant international instruments. The terms “bullying” and “sexual assault” were based on bipartite guidance in the shipping sector, later integrated into the MLC through amendments adopted by the Special Tripartite Committee. That was relevant as some States treated fishers as seafarers under maritime legislation.
94. The Employer Vice-Chairperson insisted that minimum standards for the fishing sector should not be based on negotiations in the seafaring sector, in which Employers’ representatives had not been included.
95. Following further discussion, the Meeting agreed to not use these terms in the text, and to introduce a new subparagraph containing a definition of the concept, based on the provisions of the Violence and Harassment Convention, 2019 (No. 190), to read as follows:

“violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.

A footnote would also be added, with a reference to the Violence and Harassment Convention, 2019 (No. 190), Art. 1(1)(a) and (b).

96. The Government Vice-Chairperson proposed that, in references to harassment throughout the guidelines, the following wording – rather than the full definition – be used: “violence and harassment, including gender-based violence and harassment”.
97. It was so agreed.
98. Subparagraph (m) *bis* was approved as proposed.
99. Paragraph 11, as a whole, was adopted as amended.

III. Guidelines

A. Guidelines for all States

Proposed paragraph 12

Chapeau

100. The chapeau was approved as proposed.

Subparagraph (a)

101. The Employer Vice-Chairperson suggested replacing “supply chain” with “recruitment chain”, as the guidelines related to fair labour market services for migrant fishers, rather than to goods. He

also proposed replacing “benefiting from the labour of migrant fishers” with “engaging migrant fishers”, as the term “benefiting” created potential associations with forced labour.

102. The Worker Vice-Chairperson expressed reservations regarding the term “supply chain”, echoed by the Government Vice-Chairperson, who noted that and that the aim was that States should recognize the whole supply chain. He also stated a preference for the term “benefiting”.
103. The Chairperson noted that the wording had been drawn from the ASEAN Guidelines on the Placement and Protection of Migrant Fishers, and that the term “benefiting” did not necessarily have a negative connotation.
104. The Executive Secretary clarified that the ~~the~~ ASEAN Guidelines on the Placement and Protection of Migrant Fishers had been adopted at a tripartite meeting in 2024.
105. The Employer Vice-Chairperson withdrew his proposed amendment.
106. Subparagraph (a) was approved as proposed.

Subparagraph (b)

107. The Employer Vice-Chairperson suggested replacing the text in subparagraph (b) with the following formulation: “respect, promote and realize, in good faith and in accordance with the ILO Constitution, the fundamental rights which are the subject of those Conventions, even if they have not ratified the Conventions in question, arising from the very fact of membership in the Organization, as per ILO 1998 Declaration, as amended in 2022”. He further indicated that references to the relevant Conventions could be included in a footnote.
108. The Worker Vice-Chairperson expressed a preference for the original wording.
109. The Government Vice-Chairperson proposed to combine subparagraphs (b) and (d), to read as follows:

ratify and effectively implement the fundamental Conventions and the international labour standards most relevant to fair labour market services for migrant fishers as provided in Tool 8.
110. The Employer Vice-Chairperson and the Worker Vice-Chairperson agreed, in principle, to combine subparagraphs (b) and (d).
111. The Employer Vice-Chairperson proposed to further amend the proposal of the Government group to qualify the status of the standards listed and include a reference to consultations with the social partners.
112. Following further discussions and upon the advice of the Office, the Meeting agreed to retain the reference to “up-to-date” instruments in this subparagraph, as it appeared in a different context to that in paragraph 8, namely encouraging States to ratify and implement. It was also agreed that the reference to Tool 8 would be deleted. The compromise wording of the combined paragraph would read as follows:

ratify and effectively implement the fundamental Conventions and, in consultation with social partners and following regulatory gap analysis, the up-to-date international labour standards most relevant to fair market labour services for migrant fishers.
113. It was further agreed to also retain the text initially proposed by the Employer Vice-Chairperson, but to insert it into a new subparagraph, to follow subparagraph (b).
114. It was so decided.
115. Subparagraph (b) was approved as amended.

Subparagraph (b) *bis*

116. In line with the decisions taken under subparagraph (a), the Meeting agreed to insert a new subparagraph, to read as follows:

respect, promote and realize, for all fishers and vessels operating under their jurisdiction, in good faith and in accordance with the ILO Constitution the fundamental rights which are the subject of those Conventions, even if they have not ratified the Conventions in question, arising from the very fact of their membership in the Organization, as per ILO 1998 Declaration, as amended in 2022.

117. As the proposed text incorporated wording used in subparagraph (f) of the same paragraph, it was agreed to delete subparagraph (f) and to move the relevant contents to the present subparagraph.
118. Subparagraph (b) *bis* was approved.

Subparagraph (c)

119. Subparagraph (c) was approved as proposed.

Subparagraph (d)

120. Subparagraph (d) was deleted as agreed, and the relevant text moved to subparagraph (b).

Subparagraph (e)

121. The Government Vice-Chairperson proposed a minor editorial amendment.
122. Subparagraph (e) was approved as amended.

Subparagraph (f)

123. In line with decisions taken under subparagraphs (b) and (b) *bis*, and to avoid repetition, the subparagraph was deleted and its contents moved to subparagraph (b) *bis*.
124. Subparagraph (f) was deleted as agreed.

Subparagraph (g)

125. Subparagraph (g) was approved as proposed.

Subparagraph (h)

126. The Employer Vice-Chairperson proposed, after the wording “in its various forms”, to delete “in particular collective bargaining” and to add, after “based on” the following text: “the fundamental principles of the right to freedom of association and the effective recognition of the right to collective bargaining”.
127. Subparagraph (h) was approved as amended.

Subparagraph (i)

128. The Employer Vice-Chairperson proposed to replace the word “particularly” with “including” in the final section of the subparagraph.
129. Subparagraph (i) was approved as amended.

Subparagraph (i) *bis*

130. The Government Vice-Chairperson proposed to introduce a new subparagraph after subparagraph (i), incorporating text moved from subparagraph (y), which would read:

have coordinated gender-sensitive labour migration policies that are consistent with relevant international labour standards or, as the case may be, that comply with ratified international labour Conventions.

131. The Employer Vice-Chairperson proposed to add at the end of the paragraph: "This may be done jointly by competent authorities, employers' organizations and workers' organizations".
132. The Worker Vice-Chairperson stated that, based on language used in a tripartite setting, he wished to further amend the text proposed by the Employers' group to read: "This may be done by competent authorities, in consultation with employers' and workers' organizations".
133. It was so agreed.
134. Subparagraph (i) *bis* was approved as amended.

Subparagraphs (j) to (l)

135. Subparagraphs (j) to (l) were approved as proposed.

Subparagraph (m)

136. The Government Vice-Chairperson proposed to delete the text appearing after "migrant fishers" ("such as labour, maritime, fisheries, social affairs and immigration authorities"), as it was not needed.
137. Subparagraph (m) was adopted as amended.

Subparagraph (n)

138. The Employer Vice-Chairperson, observing the need for efficient inspections, proposed to add at the end of the paragraph the following wording: "ensuring inspection systems are risk-based and based on experience with the fishing vessel owner or the labour recruiter". He said that the frequency of inspections could be reduced, based on experience of good practice.
139. The Government expert from France stated that his Government did not support that amendment. He wondered whether the concept was already covered by the reference to "targeted interventions". He also expressed concerns that vessels may be omitted from inspections.
140. The Government expert from the United Kingdom of Great Britain and Northern Ireland proposed alternative wording for the subparagraph, to read "strengthen labour administration systems and systems for the inspection of labour conditions on board fishing vessels to ensure compliance with relevant laws and regulations and consider using a strategic compliance approach with proactive, targeted and risk-based interventions".
141. It was so agreed.
142. Subparagraph (n) was approved as amended.

Subparagraph (o)

143. Subparagraph (o) was approved as proposed.

Subparagraph (p)

- 144. The Employer Vice-Chairperson proposed to add at the end of the paragraph: “This should be done jointly by competent authorities, employers’ organizations and workers’ representatives”.
- 145. In order to ensure consistency with wording in subparagraph (i) *bis*, the Head of Unit proposed to adapt the text to read: “This should be done by competent authorities in consultation with employers’ and workers’ organizations.”
- 146. Subparagraph (p) was approved as amended.

Subparagraph (q)

- 147. The Worker Vice-Chairperson proposed to redraft the subparagraph as follows:
 - establish effective, free-of-charge, expeditious, accessible and trusted:
 - (i) complaint mechanisms for cases of alleged violations of migrant fishers’ rights, safeguarding the confidentiality of their complaints;
 - (ii) grievance and other dispute resolution mechanisms.
- 148. The Employer Vice-Chairperson proposed to further amend the text by inserting at the end of the subparagraph, after “mechanisms”, the following text: “while ensuring fair investigation procedures and the right of employers to respond before sanctions” – which would apply to subparagraphs (i) and (ii).
- 149. The Government Vice-Chairperson felt that the proposed amendment was already covered by the concepts of “trusted” and “effective”, and the Worker Vice-Chairperson added that the right of employers to respond was ensured through grievance mechanisms and procedures. Nevertheless, additional wording referring to fair process and the right to respond could be incorporated into the text.
- 150. The Employer Vice-Chairperson stated that his group wished to include a clear and explicit reference to the employers’ right to respond.
- 151. Following further deliberations, a compromise text was proposed by the Representative of the Legal Adviser, as read out by the Executive Secretary. The following wording would be inserted at the end of the text initially proposed by the Workers’ group, to take into account the issues raised by the Employers’ group:
 - and guarantee due process rights of the parties involved, including the right of all parties to be heard, throughout the process.
- 152. It was so agreed.
- 153. Subparagraph (q) was approved as amended.

Subparagraph (r)

- 154. The Worker Vice-Chairperson proposed to change the wording “complaint mechanisms” to “complaint and grievance mechanisms”, to align with the wording in subparagraph (q).
- 155. Subparagraph (r) was approved as amended.

Subparagraph (s)

- 156. The Employer Vice-Chairperson proposed to add at the end of the subparagraph the following sentence: “Information-sharing should respect confidentiality of commercial data”. It was important to prevent unfair competition resulting from the disclosure of data belonging to fishing

vessel owners and relating to business operations, intellectual property or other types of information. After further discussions, he amended his proposal to refer to “commercial and personal data”.

157. Subparagraph (s) was approved as amended.

Subparagraph (t)

158. Subparagraph (t) was approved as proposed.

Subparagraph (u)

159. In line with the text approved in subparagraph (s), the wording “Information-sharing should respect confidentiality of commercial and personal data” was added at the end of the subparagraph.

160. Subparagraph (u) was approved as amended.

Subparagraphs (v) and (w)

161. Subparagraphs (v) and (w) were approved as proposed.

Subparagraph (x)

162. The Employer Vice-Chairperson proposed to delete the reference to “civil society organizations” on the grounds that the ILO tripartite framework only included employers, workers and governments.

163. The Worker Vice-Chairperson explained that in areas without fishers’ representatives or unions, cooperation with civil society organizations was sometimes necessary to protect the rights of migrant fishers. Moreover, the guidelines were intended to be of universal use, including beyond the tripartite framework of the ILO. It should not be a problem, therefore, to also include a reference to civil society organizations.

164. The Government Vice-Chairperson also supported retaining the reference to civil society organizations.

165. The Government expert from the United Kingdom of Great Britain and Northern Ireland noted that civil society organizations, including charities, were present in the meeting room and that his Government recognized them in tripartite discussions.

166. The Employer Vice-Chairperson stated that his group strongly opposed including references to engagement with civil society in the guidelines. Engagement within the ILO framework must remain strictly tripartite; references to civil society were inconsistent with the ILO Constitution and risked undermining social dialogue and freedom of association, as well as the ILO’s constitutional basis and its unique tripartite character. Social dialogue was tripartite by definition: substituting workers’ or employers’ organizations with civil society fundamentally contradicted ILO principles, since the absence of unions reflected challenges to freedom of association and collective bargaining — issues that must be addressed, not bypassed, by civil society actors. The Organization’s strength lay in tripartism and any attempt to extend participation beyond the tripartite constituents would erode its legitimacy and effectiveness.

167. The observer from the non-governmental organization Stella Maris delivered a statement, noting that the inclusion of civil society organizations in the guidelines was entirely consistent with ILO precedent and complimented the tripartite model. Relevant organizations were referenced in the Work in Fishing Convention, 2007 (No. 188), and the accompanying flag State inspection

guidelines also mentioned non-governmental organizations. Welfare-based organizations such as his own worked alongside governments, employers and workers to reach fishers who were otherwise beyond formal structures. Relevance proved itself in practice. Those organizations that were present, trusted and effective proved their value through their work. Civil society organizations did not replace but rather supported the tripartite aims of the guidelines. Civil society entities such as his own worked to turn rights on paper into realities in the lives of fishers. Including a reference to civil society organizations in the guidelines would constitute recognition of realities at sea and in ports around the world.

- 168.** The Worker Vice-Chairperson said that the present subparagraph dealt with arrangements and agreements to protect the labour rights of migrant fishers, rather than the issue of civil society participation. Only some two per cent of fishers globally, including migrant fishers, belonged to social partner organizations. In view of the concerns raised, his group proposed to introduce a new sentence, to read as follows:

Migrant fishers and migrant fishers' organizations may seek assistance from other relevant organizations.

He observed that the same wording could be used throughout the guidelines.

- 169.** The Chairperson said that as the paragraph referred to States' responsibilities, the proposed reference would be misplaced.
- 170.** The Employer Vice-Chairperson suggested that the text proposed by the Workers' group should be introduced in a new subparagraph, to read as follows:

refrain from any interference which would restrict migrant fishers or migrant fishers' organizations to seek assistance from other relevant organizations.

- 171.** The Worker Vice-Chairperson did not support the introduction of a new subparagraph and suggested that the text proposed by the Employers should be inserted at the end of the existing subparagraph. He also observed that while workers could not prevent Government from speaking to other organizations, labour issues must be addressed within a tripartite framework.
- 172.** The Government Vice-Chairperson read out a statement on behalf of his group, highlighting the vital role that civil society organizations played in the fishing sector, including their ability to gather intelligence and raise concerns with the appropriate authorities, instrumental to identifying and addressing harmful practices. Their contributions were essential to fostering transparency, accountability and sustainable progress within the industry. That engagement did not undermine tripartite social dialogue but rather supplemented existing structures, particularly in isolated or remote locations where formal mechanisms might be limited or absent. He also proposed to add a reference to governments in the subparagraph.
- 173.** Following further deliberations, the Government Vice-Chairperson proposed to delete the wording "and civil society organizations", to end the sentence after "standards" and to insert a new sentence at the end of the subparagraph, to read:
- Governments, social partners, migrant fisher and migrant fishers' organizations may seek assistance from other relevant organizations.
- 174.** It was so agreed. The Meeting also decided that similar wording would be used throughout the guidelines, as appropriate.
- 175.** Subparagraph (x) was adopted as amended.

Subparagraph (y)

176. As agreed under subparagraph (i) *bis*, the Meeting decided to delete subparagraph (y) and to incorporate the language used therein into a new subparagraph, to follow subparagraph (i).
177. Subparagraph (y) was deleted as proposed.
178. Paragraph 12, as a whole, was adopted as amended.

B. Guidelines for States of recruitment**Regulation of labour recruiters****Proposed paragraph 13****Subparagraphs (a) and (b)**

179. Subparagraphs (a) and (b) were approved as proposed.

Subparagraph (c)

180. The Employer Vice-Chairperson proposed to insert after the word “offers” at the end of the subparagraph the following phrase: “and where feasible enable mutual recognition of licences between cooperating States”.
181. The Government Vice-Chairperson expressed disagreement, noting that the recommendation would not be possible to implement in practice.
182. The Government expert from France observed that, since recruitment services operated within a specific territory and were accredited through that State's certification system, there was no need for other States to establish mutual recognition of those services.
183. The Employer Vice-Chairperson withdrew his proposal.
184. For clarification purposes and in line with the definition of “private employment agencies” in paragraph 11, the following wording was introduced after the word “private employment agencies” in the first part of the subparagraph: “(in line with Convention No. 188, which refers to Convention No. 181, Article 1, paragraph 1(b))”.
185. Subparagraph (c) was approved as amended.

Subparagraph (d)

186. Subparagraph (d) was approved as proposed.

Subparagraph (e)**Subsections (i) to (iii)**

187. Subsections (i) and (ii) were approved as proposed.

Subsection (iii) *bis*

188. The Worker Vice-Chairperson proposed to insert an additional subsection after existing subsection (iii), to read: “clear eligibility criteria, regular renewal requirements and public disclosure of licence status or any enforcement actions taken”.
189. Subsection (iii) *bis* was approved.

190. After a discussion on the logic of the order of subparagraphs (e), (f) and (g), it was decided that subparagraph (e) should be deleted and inserted immediately after subparagraph (g).
191. In line with that decision, the Meeting also agreed to mention, after “specify” at the start of the subparagraph, that the State of recruitment should take into account the subparagraph starting with “prohibit, by penalty” and the subparagraph starting with “prohibit labour recruiters from using means”, labelled as (f) and (g) in the original draft document. The Office would make the necessary editorial changes with regard to wording and numbering.
192. It was so agreed.
193. Subparagraph (e) was moved, as agreed, after subparagraph (g).

Subparagraph (f)

194. The Worker Vice-Chairperson proposed to insert “or withdrawal of licence” after the word “penalty” at the start of the subparagraph, to reflect the language used in the Work in Fishing Convention, 2007 (No. 188), which referred to the conditions under which licences may be suspended in case of violations.
195. During the subsequent discussion, clarification was provided that the wording of the subparagraph had been inspired by, but not taken directly from, the relevant Convention, and it was suggested that the term “penalty” already covered the withdrawal of a licence.
196. The Government expert from France suggested that the issue related to the original order of subparagraphs (e), (f) and (g) in the draft document, which differed from the corresponding subparagraphs in the Work in Fishing Convention, 2007 (No. 188) that had inspired the text. The amendment tabled earlier, to move subparagraph (e) and therefore change the order of the subparagraphs, would enhance clarity, readability and align the wording and logic of the three subparagraphs with the text of the Work in Fishing Convention, 2007 (No. 188).
197. In the light of the clarifications provided, the Worker Vice-Chairperson agreed to withdraw his amendment.
198. Subparagraph (f) was approved as proposed.

Subparagraph (g)

199. The Employer Vice-Chairperson proposed to replace “penalize such acts” with “sanction appropriately, in proportion to the gravity of the act”. He observed that sanctions need to reflect the gravity of the act committed. Just as a court judge would take the circumstances and gravity of an offence into account during sentencing, a proportionate approach should also be adopted to sanctions and penalties.
200. The Worker Vice-Chairperson and the Government Vice-Chairperson stated their preference for the original wording. Moreover, they observed that blacklisting – namely preventing fishers from engaging for work – was strictly prohibited, leaving no scope for a proportionate approach.
201. The Government expert from the United Kingdom of Great Britain and Northern Ireland confirmed that the subparagraph specifically addressed blacklisting, leaving no scope to issue, for example, a warning for a first-time offence, to be followed by more severe penalties for subsequent violations.
202. The Employer Vice-Chairperson withdrew his proposal but insisted on the need to take the principle of proportionality into account when considering the issue of penalties.
203. Subparagraph (g) was approved as proposed.

Subparagraph (g) *bis*

204. In line with its decision under subparagraph (e), the Meeting agreed to insert the amended subparagraph as a new subparagraph after existing subparagraph (g). The subparagraph would read as follows:

specify, taking into account (e) and (f):

- (i) the conditions of the licence, certificate or similar authorization under which private labour recruiters can operate;
- (ii) the conditions under which such authorization may be suspended or withdrawn in case of violation of relevant laws or regulations;
- (iii) the conditions for a ban from operating in its territory; and
- (iv) clear eligibility criteria, regular renewal requirements and public disclosure of licensed status or any enforcement actions taken.

205. Subparagraph (g) *bis* was approved as proposed.

Subparagraph (h)

Subsection (ii)

206. The Worker Vice-Chairperson proposed the following addition to subsection (ii), to align the wording with the definition of “violence and harassment” in paragraph 11 of the draft guidelines:

take effective measures including by developing and implementing policies, providing training, implementing reporting mechanisms and fostering accountability, to prevent and address violence and harassment, including gender-based violence and harassment, in recruitment and placement processes.

207. The Employer Vice-Chairperson requested to replace “training” with “information”.

208. The Worker Vice-Chairperson noted that providing information was not sufficient and that training should be offered on preventing violence and harassment. He therefore requested that the term “training” be retained.

209. It was so agreed.

210. Subsection (ii) was approved as amended.

211. Subparagraph (h) was approved as amended.

212. Paragraph 13, as a whole, was adopted as amended.

Liability

Proposed paragraph 14

213. Paragraph 14 was adopted as proposed.

Fisher’s work agreements

Proposed paragraph 15

Subparagraph (a)

214. Subparagraph (a) was approved as proposed.

Subparagraph (b)

215. The Employer Vice-Chairperson proposed to insert “and the employer” after “...is in the language of the migrant fisher”, to ensure the details of the agreement were clear to both parties.
216. In response to concerns raised by the Government expert from South Africa that the proposed amendment might create confusion, the Government Vice-Chairperson suggested moving “and the employer” to after the wording “in a language that the migrant fisher” and inserting “is accurately translated” before that same wording. The amended subparagraph would read:

ensure that the fisher’s work agreement (or an authoritative copy thereof) is in the language of the migrant fisher or is accurately translated in a language that the migrant fisher and the employer understand, and that the necessary information is provided in a clear and comprehensive way in order to allow the migrant fisher to express his or her free and informed consent;

That solution would ensure that the work agreement was understood by all parties concerned.

217. It was so agreed.
218. Subparagraph (b) was approved as amended.

Subparagraph (c)

219. The Worker Vice-Chairperson suggested inserting “(minimum 72 hours)” after “sufficient time”.
220. The Employer Vice-Chairperson explained that some operations required migrant fishers to act quickly and that setting a minimum might jeopardize safety, especially when agreement had been reached and assistance obtained prior to the 72-hour deadline.
221. The Worker Vice-Chairperson proposed, in view of the concerns raised, to further amend the wording for the text in brackets, which would then read: “(minimum 72 hours unless the advice has been obtained earlier)”.
222. Subparagraph (c) was approved as amended.

Subparagraph (d)

223. The Government Vice-Chairperson proposed to insert at the end of the sentence, after “representative of the fishing vessel owner”, the wording “or where the migrant fisher is not employed or engaged by the fishing vessel owner, the fishing vessel owner should have evidence of contractual or similar arrangements”, in line with Article 20 of Convention No. 188.
224. The Worker Vice-Chairperson and Employer Vice-Chairperson agreed with the proposal.
225. Subparagraph (d) was approved as amended.

Subparagraph (e)

226. The Employer Vice-Chairperson proposed to replace the wording “in line with Tools 1 and 2 in Appendix I” with “taking Tools 1 and 2 in Appendix I into account”, to reflect the non-binding nature of the guidelines and allow more flexibility to adapt the models to national contexts.
227. During the subsequent discussion, the Chairperson clarified that Tool 1 contained binding minimum requirements, whereas Tool 2 was a model agreement.
228. The Executive Secretary further explained that Tool 1 had been reproduced from Annex II of the Work in Fishing Convention, 2007 (No. 188), while Tool 2 was a model document that could be adapted to national contexts.

- 229. Following further discussions, the Employer Vice-Chairperson proposed the following compromise wording: "in line with Tool 1, taking into account Tool 2 in Appendix I".
- 230. The proposed solution was accepted by all three groups.
- 231. Subparagraph (e) was approved as amended.

Subparagraph (f)

- 232. The Worker Vice- Chairperson proposed to merge subparagraphs (g) and (f), to ensure that labour recruiters provided migrant fishers with a copy of their work agreement, in a language that the fisher understood, immediately after it was signed.
- 233. The Executive Secretary observed that the wording should follow that used in previous subparagraphs, referring to the phrase "is in the language of the migrant fisher or is accurately translated in a language that the migrant fisher and the employer understand".
- 234. It was so agreed.
- 235. The Executive Secretary clarified that subparagraph (f) addressed the examination of the agreement after signature, as a safeguard against contract substitution, while subparagraph (g) covered pre-signature examination of that document.
- 236. The Worker Vice-Chairperson explained that, in practice, fishers examined their agreements before signature, but that it was important for them to have a copy immediately afterwards for reference during the employment period.
- 237. The Government Vice-Chairperson, noting that post-signature access was indeed useful to prevent contract substitution, proposed to insert the words "in advance of departure" to replace "sufficiently in advance".
- 238. Following further discussions, during which several alternative proposals for suitable wording for the combined subparagraph were put forward, it was agreed that the revised combined text for subparagraphs (f) and (g) would read as follows:

ensure that labour recruiters operating in its territory make proper arrangements for migrant fishers to examine their fisher's work agreements in advance of departure, and provide all migrant fishers with a copy of their fisher's work agreement immediately after signature by all parties.

- 239. Subparagraph (f), combining the text in subparagraphs (f) and (g), was adopted as amended.

Subparagraph (g)

- 240. Subparagraph (g) was deleted as agreed and merged with the text of subparagraph (f).

Subparagraph (h)

- 241. The Employer Vice-Chairperson proposed to insert after "Convention No. 188" the phrase "when ratified".
- 242. The Government Vice-Chairperson recalled that the guidelines were intended for all States, including those that had not ratified the Convention, and therefore the addition was unnecessary.
- 243. The Worker Vice- Chairperson noted that the Work in Fishing Convention, 2007 (No. 188) contained a "no more favourable treatment" subparagraph and that the provision should apply equally to non-ratifying States.
- 244. The Employer Vice-Chairperson withdrew his proposal.

245. Subparagraph (h) was approved as proposed.

Subparagraph (i)

246. Subparagraph (i) was approved as proposed.

Subparagraph (j)

247. An amendment relating to safeguards for personal and commercial data protection was introduced to align with wording agreed under paragraph 12.

248. Subparagraph (j) was approved as amended.

249. Paragraph 15 as a whole was adopted, as amended, subject to minor editorial changes.

Data and statistics

Proposed paragraph 16

Subparagraph (a)

250. Subparagraph (a) was approved as proposed.

Subparagraph (b)

251. An amendment was introduced to align with wording agreed under paragraph 15.

252. Subparagraph (b) was approved as amended.

Subparagraph (c)

253. The Employer Vice-Chairperson reiterated that in subparagraph (c) the wording “in line with” should be replaced with “taking into account”, as Tool 6 was not mandatory.

254. Subparagraph (c) was approved as amended.

255. Paragraph 16, as a whole, was adopted as amended.

Enforcement

256. The Employer Vice-Chairperson proposed to change the section heading above paragraph 17 from “Enforcement” to “Compliance”, as it focused on promoting adherence rather than punitive measures.

257. The Government Vice-Chairperson preferred to keep the term “enforcement”, in line with the provisions of the Work in Fishing Convention, 2007 (No. 188), which referred to “compliance and enforcement”.

258. To align the heading with the wording used in the Work in Fishing Convention, 2007 (No. 188), it was agreed that the following heading would be used for the section: “Compliance and enforcement”, and subsequently throughout the guidelines.

259. It was so agreed.

260. The section heading was adopted as amended.

Proposed paragraph 17

261. The Employer Vice-Chairperson proposed to insert a new subparagraph after the chapeau and before existing subparagraph (a), to read:

Inform, support and capacitate labour recruiters in their compliance with national laws and regulations.

262. In response to queries raised regarding the term “capacitate”, the Employer Vice-Chairperson modified his proposal to read: “inform and support labour recruiters in their compliance with national laws and regulations”.
263. The new subparagraph, inserted after the chapeau and before subparagraph (a), was approved.

Subparagraphs (a) to (c)

264. Subparagraphs (a) to (c) were approved as proposed.

Subparagraph (d)

Subsections (i) to (iv)

265. Subsections (i) to (iv) were approved as proposed.

Subsection (v)

266. The Employer Vice-Chairperson proposed to add after “concerned” at the end of the subparagraph, the following wording: “and that the migrant fisher has provided all the information truthfully”.
267. Concerns were raised by the Workers’ and Government groups with regard to verifying the truthfulness of any information provided. The Worker Vice-Chairperson also noted that the proposed wording placed responsibility on the migrant fisher, rather than the labour recruiter.
268. The Employer Vice-Chairperson said that withheld information could have serious consequences, citing the example where a fisher had withheld information from a medical examination and subsequently died on board. It was important for fishers to consider the information they were providing. Insurance policies, for example, contained similar wording in the form of declarations for customers to sign to confirm that they had provided all information truthfully.
269. It was agreed that a reference to the importance of providing honest and accurate information would be added to the section of the guidance addressed to migrant fishers themselves.
270. Subsection (v) was approved as amended.

Subsection (vi)

271. Subsection (vi) was approved as proposed.

Subsection (vii)

272. An amendment referring to grievances was introduced to align with wording agreed under paragraph 12.
273. Subsection (vii) was adopted as amended.

Subparagraph (e)

274. The Employer Vice-Chairperson stated that private employment agencies were unable to verify the living and working conditions of fishers on board vessels at sea. He therefore proposed to delete “in respect of migrant fishers’ living and working conditions that have been allocated to them”.
275. The Executive Secretary explained that while the vessel owner, as the user enterprise, had certain responsibilities such as occupational safety and health, others fell on private employment agencies, in the role of “employer”.
276. The Government Vice-Chairperson, to address the issues raised and with a view to retaining the majority of the original text as drafted by the Office, proposed the following wording for the subparagraph: “verify that private employment agencies are aware of, and comply with, all the responsibilities in respect of migrant fishers that have been allocated to them”.
277. It was so agreed.
278. Subparagraph (e) was approved as amended.
279. Paragraph 17, as a whole, was adopted as amended.

Complaint mechanisms

280. The Meeting agreed to change the section heading above paragraph 18, to align with wording agreed under paragraph 12(r), to: “Complaint and grievance mechanisms”.
281. It was so agreed.
282. The new section heading was adopted.

Proposed paragraph 18**Subparagraph (a)**

283. An amendment relating to grievances was introduced to align with wording agreed under paragraph 12.
284. Subparagraph (a) was approved as amended.

Subparagraph (b)

285. An amendment was introduced to align with wording agreed under paragraph 12.
286. The Employer Vice-Chairperson proposed to replace “migrant fishers” with “all migrant fishers”.
287. Subparagraph (b) was approved as amended.

Subparagraph (c)

288. An amendment relating to grievances was introduced to align with wording agreed under paragraph 12.
289. Subparagraph (c) was approved as amended.

Subparagraph (c) bis

290. The Employer Vice-Chairperson proposed to insert a new subparagraph to highlight that both complainants and respondents had the right to be heard before any decisions were taken.

291. Following further discussion, it was agreed that an additional subparagraph would be inserted, in line with the wording used in paragraph 12(q) of the draft guidelines, to read as follows:

guarantee due process rights of the parties involved, including the right of all parties to be heard, throughout the process

292. Subparagraph (c) *bis* was approved as proposed.

293. Paragraph 18, as a whole, was adopted as amended.

Human rights due diligence

Proposed paragraph 19

Subparagraph (a)

294. The Government Vice-Chairperson proposed to delete the words “by third parties, including labour recruiters”.

295. It was so agreed.

296. Subparagraph (a) was approved as amended.

Subparagraph (b)

297. Subparagraph (b) was approved as proposed.

Subparagraph (c)

298. The Employer Vice-Chairperson proposed to insert “and facilitate information” after “advise”. States should provide updated lists of vessels.

299. The Government Vice-Chairperson proposed to replace “facilitate” with “provide”.

300. Subparagraph (c) was approved as amended.

301. Paragraph 19, as a whole, was adopted as amended.

Bilateral and multilateral agreements

Proposed paragraph 20

Subparagraph (a)

302. The Worker Vice-Chairperson proposed to insert “and reporting mechanisms” after the word “alliances”, and to include “States of origin” alongside flag States, to ensure that States of origin were informed when their nationals were recruited abroad.

303. A further amendment relating to commercial and personal data was introduced, to align with wording agreed under paragraph 12.

304. Subparagraph (a) was approved as amended.

Subparagraph (b)

305. The Worker Vice-Chairperson proposed to add “and States of origin” after “relevant flag States”.

306. Subparagraph (b) was approved as amended.

Subparagraph (c)

Subsections (i) to (iii)

307. Subsections (i) to (iii) were approved as proposed.

Subsection (iv)

308. The Government Vice-Chairperson proposed to add, after “international labour standards”, the following text: “and include robust mechanisms for prevention and law enforcement to combat forced labour and human trafficking.”

309. Subsection (iv) was approved as amended.

Subsection (v)

310. The Worker Vice-Chairperson proposed to delete “food and water” and to insert the following text from the Work in Fishing Convention, 2007 (No. 188): “decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security.”

311. The Employer and Government Vice-Chairpersons stated their preference for the term “social protection” rather than “social security”.

312. The Government expert from France noted that, in some cases, migrant fishers could be covered by social security schemes from their State of origin. He emphasized that while all parties agreed on the importance of ensuring access to social security or social protection, the difficulty lay in interpreting the current text, which could raise concerns about unequal treatment. He pointed out that the level of social security provided by the State of recruitment might not be the same as that provided by the State of origin. He concluded that the objective should be to ensure access to social protection or social security without creating a new obligation requiring States to provide equivalent levels of protection to migrant fishers.

313. A discussion followed on the relative scope and equivalence of the terms “social protection” and “social security”.

314. The Head of Unit clarified that the wording concerned originated from the preamble of the Work in Fishing Convention, 2007 (No.188), but since no footnote had been added with a reference to that instrument, the meeting could choose to diverge from it. He explained that if the term social protection— which was broader than social security— was preferred, it would make sense to retain the deleted phrase “access to social protection” at the beginning of the sentence and conclude the sentence with “and medical care.”

315. It was so agreed. The proposed amended text would read:

include the principle of equal treatment between national and non-national fishers, including with regard to pay, access to social protection and access to decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; and medical care;

316. Subparagraph (v) was approved as amended.

Subsection (vi)

- 317. The Government Vice-Chairperson proposed to replace “are based on tripartite dialogue” with “are built upon prior tripartite social dialogue”, noting that bilateral agreements could cover a broad range of issues and were often built on previous exchanges and outcomes.
- 318. The Employer Vice-Chairperson observed that “are based on” already encompassed prior social dialogue. The current wording was sufficient.
- 319. The Executive Secretary clarified the rationale behind the wording proposed by the Government group, observing that as negotiations were conducted between the Ministry of Foreign Affairs and the counterpart State, social dialogue did not necessarily take place during the negotiations themselves but rather beforehand, through consultations within the relevant ministries that subsequently informed the Ministry of Foreign Affairs of the content of the relevant bilateral agreement.
- 320. In the light of the clarification from the Office, the Meeting agreed to the proposed amendment.
- 321. Subsection (vi) was approved as amended.

Subsection (vii)

- 322. Subsection (vii) was approved as proposed.

Subparagraphs (d) and (e)

- 323. Subparagraphs (d) and (e) were approved as proposed.
- 324. Paragraph 20, as a whole, was adopted as amended.

Training and awareness-raising

Proposed paragraph 21

Subparagraph (a)

- 325. The Employer Vice-Chairperson proposed to delete the phrase “as appropriate their family members,” as it was not relevant for family members to receive training in handling gear or similar matters, and the provision should focus solely on those going on board the vessel. He further proposed that the training or departure should be adapted to fishers’ assigned roles and duties.
- 326. The Government Vice-Chairperson proposed to insert the phrase “the relevant actors provide” after “ensure that”, and to delete the words “is provided” following the brackets, to clarify that while States were not necessarily responsible for carrying out the various activities themselves, that they were responsible for ensuring that they were effectively implemented.
- 327. The Employer Vice-Chairperson stated that the term “relevant” was excessively vague.
- 328. The Government Vice-Chairperson proposed to replace the phrase “relevant actors” with “responsible actors.” Furthermore, he proposed to replace the proposed reference to the relevant type of fishing operation with the more succinct wording “adapted to their assigned responsibilities”.
- 329. The Chairperson said that the parties responsible for taking the relevant action would be defined in legislation or other appropriate framework.

330. Following further discussions, it was agreed that the text of subparagraph (a), including an amendment to align with wording agreed under paragraph 12(x), would read:

ensure that the responsible actors provide access or referral to adequate sector- and flag State-specific pre-departure training or orientation, at no cost to the migrant fishers, adapted to their assigned responsibilities, in a language that they understand, taking into account the expected duration of the fishing trip and the areas of operation of the vessel, and involving the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and of fishers, where they exist. Government, social partners, migrant fishers and migrant fishers' organizations may seek assistance from other relevant organizations.

331. Subparagraph (a) was approved as amended.

Subparagraph (b)

332. The Employer Vice-Chairperson proposed to add the wording "and obligations" after "all migrant fishers' rights", to highlight that rights and obligations were complementary and that migrant fishers should be aware of their responsibilities to avoid potential difficulties when working abroad. He further stated that the nature of those obligations could differ from one country to another and therefore could not be exhaustively defined in the guidelines.
333. The Worker Vice-Chairperson noted that the proposed term "obligations" could potentially refer to training attendance or other duties. Including such wording should be approached with caution, to avoid ambiguity.
334. The Employer Vice-Chairperson said that "obligations" referred to were those established by national laws or practices and reiterated that it was important for migrant fishers to be aware of them.
335. Subparagraph (b) was approved as amended.

Subparagraph (c)

336. The Employer Vice-Chairperson proposed to insert "information on" after "ensure" and to repeat the reference to "rights and obligations", as agreed under subparagraph (b), to ensure that such information was made accessible to all migrant fishers. The amended subparagraph would read:
- ensure that information on migrant fishers' rights and obligations and an overview of these Guidelines, together with other authoritative information material concerning migrant fishers' rights and obligations, are accessible to all migrant fishers, and are included in the pre-departure training or orientation for migrant fishers, taking into account language and literacy barriers;
337. Subparagraph (c) was approved as amended.

Subparagraph (d)

338. The Employer Vice-Chairperson proposed to replace the words "made available" with "accessible", which implied that the information should be easy to obtain and understand.
339. The Worker and Government Vice-Chairpersons preferred to retain the original wording.
340. The Worker Vice-Chairperson proposed to delete "as far as possible" after the comma in the same sentence. Given that many migrant fishers did not speak any of the three ILO official languages, which made it difficult for them to understand their rights and obligations, it was essential for guidance to be translated into languages understood by fishers.

341. The Government Vice-Chairperson preferred to retain “as far as possible”, because, given the linguistic diversity in some countries where numerous official languages coexisted, an obligation to ensure translation into other languages by external bodies could lead to a loss of control over the content.
342. The Chairperson noted that responsibility for translation of the guidelines might more appropriately rest with the State of origin and suggested that the issue could be addressed in the following section (C. Guidelines for States of origin).
343. The Worker Vice-Chairperson said that the key objective was to ensure that migrant fishers understood their rights and obligations, regardless of what entity undertook the translation. That principle should be reflected in bilateral or cross-border agreements between States.
344. The Chairperson confirmed that the Office encouraged the inclusion of such matters in bilateral arrangements between States.
345. The Worker Vice-Chairperson recalling that migrant fishers could not comply with obligations they did not understand, observed that bilateral agreements between States could address the translation of relevant materials into appropriate languages.
346. A request was made to the Office to review the wording on similar matters used in other ILO documents.
347. The Executive Secretary clarified that, in sectoral guidelines and codes of practice, the following terms were used: “practicable” or “appropriate”.
348. Based on the preference expressed for “appropriate”, the following text was proposed:
- ensure that these Guidelines are made available to all migrant fishers, in an appropriate language.
349. It was agreed that the same wording would be used throughout the draft guidelines when describing similar obligations (see paras 24(f), 39(f), 50(c) and 59(e)).
350. Subparagraph (d) was approved as amended.
351. Paragraph 21, as a whole, was adopted as amended.

C. Guidelines for States of origin

Enforcement

352. An amendment was introduced to change the heading above paragraph 22 to “Compliance and enforcement”, in line with the wording agreed for the section heading above paragraph 17.
353. It was so agreed.
354. The section heading was adopted.

Proposed paragraph 22

Subparagraph (a)

355. Subparagraph (a) was approved as proposed.

Subparagraph (b)

356. The Government Vice-Chairperson proposed to delete the wording “(such as the Ministry of Foreign Affairs)”, as it was superfluous.

357. Subparagraph (b) was approved as amended.

Subparagraph (c)

358. Subparagraph (c) was approved as proposed.

Subparagraph (d)

359. The Employer Vice-Chairperson proposed to redraft the subparagraph, to read as follows: "Facilitate social dialogue among representatives of migrant fishers and fishing vessel owners through the respect, promotion and realization to the right to freedom of association and the effective recognition to the right to collective bargaining of legally-binding and enforceable mechanisms pertaining to grievance redress mechanisms and access to remedies."

360. The Government Vice-Chairperson proposed a minor editorial change.

361. Subparagraph (d) was approved as amended.

362. Paragraph 22, as a whole, was adopted as amended.

Human rights due diligence

Proposed paragraph 23

Subparagraph (a)

363. The Government Vice-Chairperson suggested deleting "by third parties".

364. Subparagraph (a) was approved as amended.

Subparagraph (b)

365. Subparagraph (b) was approved as proposed.

366. Paragraph 23, as a whole, was adopted as amended.

Training and awareness-raising

Proposed paragraph 24

Subparagraph (a)

367. The Employer Vice-Chairperson proposed to delete the first section of the subparagraph, preceding "advise migrant fishers", and to replace it with "provide information accessible to". As the wording "possible problems of signing on a" was ambiguous, he proposed to replace it with a reference to "the jurisdiction and legislation applicable to". He also proposed to delete the final section of the subparagraph, namely "until it is satisfied that equivalent standards are being applied".

368. The Chairperson noted that the text had been inspired by provisions in the Maritime Labour Convention, 2006, as amended (MLC, 2006) stipulating that those recruited on vessels not flying the flag of a ratifying country should be effectively warned that they could not necessarily expect the same rights on those vessels.

369. The Government Vice-Chairperson and the Worker Vice-Chairperson indicated their preference for the original wording of the text.

- 370.** The Government expert from France said that while he also preferred the original wording, he proposed to address the issue raised by revising the text after the word “advise” to indicate, in a very factual manner and without going into detail regarding potential problems, that the State of origin should inform migrant fishers that the flag State had not ratified the above-mentioned Conventions.
- 371.** The Government expert from the United Kingdom of Great Britain and Northern Ireland suggested replacing the verb “advise” with “raise awareness”, while the Worker Vice-Chairperson proposed to retain the wording “until it is satisfied that equivalent standards are being applied”.
- 372.** The Employer Vice-Chairperson proposed to insert, at the end of the subparagraph, “and provide information on the jurisdiction and legislation applicable to the fishing vessel that flies the flag of the respective State”.
- 373.** The Government expert from France said that it would be difficult, in practice, for States of origin to provide comprehensive information to migrant fishers on legislation applied in another State.
- 374.** The Employer Vice-Chairperson suggested adding “relevant” to the word “information”.
- 375.** The Government expert from France reiterated that it would be impossible to provide information on the legislative framework of another State, beyond awareness-raising, without studying in depth its entire legal framework. However, it would be possible to advise the fisher not to work on a fishing vessel flying the flag of a State that had not ratified the Conventions and inform them that they would be exposed to working conditions that did not comply with international labour standards.
- 376.** The Employer Vice-Chairperson insisted that information should be provided on the extent to which labour standards were implemented and the protection afforded to the migrant fisher in a given State, even that State had not ratified the relevant Convention.
- 377.** The Executive Secretary noted that the paragraph referred to an assessment from which, one would assume, a conclusion could be drawn regarding compliance with the Conventions.
- 378.** The Employer Vice-Chairperson requested clarification on the level of detail that the assessment would cover. He gave the example of the fact that, in the European Union, the Work in Fishing Convention, 2007 (No. 188), had been transposed into a Directive; as a result, certain States had not ratified the Convention itself because they were under the impression that they were already covered by its provisions. However, the provisions of the Directive only applied to employed workers, and not to those who were self-employed. He reiterated the need, in addition to the Work in Fishing Convention, 2007 (No. 188), to assess compliance with standards consistent with other instruments. States should, beyond raising awareness, provide relevant information.
- 379.** The Government expert from France drawing attention to the importance of the first part of the paragraph recommending that States of origin conduct an assessment, said that the assessment would involve verifying whether standards were in place beyond the Conventions, and indicated that, based on the example of the EU, information would have to be provided on both the Directives and the Conventions. He proposed amending the wording to read: “and provide relevant information on the results of this assessment”, which would go beyond merely raising awareness.
- 380.** Following further deliberations, including on the insertion of the text proposed by the Worker Vice-Chairperson relating to verifying the application of standards, and during which several

proposals were made for alternative wording, it was agreed that the subparagraph would read as follows:

following an assessment of whether or not flag States that have ratified neither Convention No. 188, Convention No. 181 nor the Maritime Labour Convention, 2006, as amended (MLC, 2006) apply standards consistent with those Convention No. 188, and until it is satisfied that equivalent standards are being applied, advise migrant fishers who are nationals or resident or otherwise domiciled in its territory, on the fact that the flag State has not ratified the above Conventions, and provide relevant information on the assessment.

381. Subparagraph (a) was approved as amended.

Subparagraph (b)

382. The Employer Vice-Chairperson's proposal to delete the words "not to sign" was not supported. The Government Vice-Chairperson proposed to use the language agreed under paragraph 19(c), namely to insert "advise and provide information".

383. Subparagraph (b) was approved as amended.

Subparagraph (c)

384. An amendment was introduced to include wording agreed under paragraph 21(b) and (c).

385. Subparagraph (c) was approved as amended.

Subparagraph (d)

386. An amendment relating to the fishers' assigned responsibilities, was introduced to align with wording agreed under paragraph 21(a).

387. Subparagraph (d) was approved as amended.

Subparagraph (e)

388. An amendment was introduced to align with wording agreed under paragraph 21(d).

389. Subparagraph (e) was approved as amended.

390. Paragraph 24, as a whole, was adopted as amended.

Proposed paragraph 25

Subparagraph (a)

391. The Employer Vice-Chairperson proposed to replace "are entitled to benefit from" with "have access to universal" and "social security" with "social scheme". Additionally, in the final line of the subparagraph, he proposed to replace the wording "and enrolling them in" with "facilitate access to".

392. The Worker Vice-Chairperson drew attention to the fact that some countries had no social protection schemes in place.

393. The Employer Vice-Chairperson in the light of the concerns raised by the Workers' group, withdrew the part of his proposal that referred to social security schemes.

394. The Worker Vice-Chairperson and the Government Vice-Chairperson expressed their preference for retaining the text taken from Article 34 of the Convention.

395. It was so agreed.

396. The Government Vice-Chairperson suggested that the wording “facilitating access to”, as proposed by the Employers’ group, should be changed to “providing access to”.

397. Subparagraph (a) was approved as amended.

Subparagraph (b)

398. Subparagraph (b) was approved as proposed.

Subparagraph (c)

399. The Employer Vice-Chairperson proposed to insert the word “sustainable” after “expand”.

400. The Employer Vice-Chairperson explained that sustainability referred to future-proofing, and to the three pillars of sustainability – people, planet and profit. He stressed that sustainable social protection systems were needed to address demographic change and the ageing workforce.

401. The Government Vice-Chairperson expressed the view that sustainability was not appropriate in this context and proposed retaining the original wording.

402. The representative of the Employers’ group Secretariat recalled that in the Resolution concerning the second recurrent discussion on social protection (social security) adopted by the International Labour Conference in 2021, the term “sustainable” had been used several times. She explained that the wording referred to “universal, adequate, comprehensive and sustainable social protection systems” and “sustainable financing”, and that its inclusion in the present text would align the guidelines with agreed language. She emphasized that the amendment was therefore consistent with ILO practice.

403. The Executive Secretary added that the Social Protection Floors Recommendation, 2012 (No. 202) also referred to the sustainability of social security systems. She clarified that the ILO used the terms “social security” and “social protection” interchangeably, with the latter sometimes understood as covering a broader range of services.

404. The Worker Vice-Chairperson and the Government Vice-Chairperson indicated agreement with the inclusion of “sustainable”.

Subsections (i) to (iii)

405. Subsections (i) to (iii) were approved as proposed.

Subsection (iv)

406. The Employer Vice-Chairperson proposed to add, after the word “contributions”, the following text: “without imposing duplicative or conflicting obligations under multiple national systems”.

Subsection (v)

407. The Employer Vice-Chairperson proposed adding “and workers” after “by employers” to reflect national systems in which both parties contributed.

408. The Government Vice-Chairperson suggested replacing “workers” with “migrant fishers”.

409. Subsection (v) was approved as amended.

Subparagraph (d)

410. The Employer Vice-Chairperson proposed to amend the opening phrase to “create and provide access to comprehensive information packages”, to align with wording agreed under paragraphs 21 and 24.
411. Subparagraph (d) was approved as amended.
412. Paragraph 25, as a whole, was adopted as amended.

Bilateral and multilateral agreements**Proposed paragraph 26****Subparagraph (a)**

413. Amendments relating to information-sharing were introduced to align with wording agreed under paragraphs 12, 20 and 38.
414. Subparagraph (a) was approved as amended.

Subparagraph (b)

415. Minor amendments were introduced to align with wording agreed under paragraphs 20 and 12.
416. Subparagraph (b) was approved as amended.

Subparagraph (c)

417. Minor amendments were introduced to align with wording agreed under paragraphs 20 and 12.
418. Subparagraph (c) was approved as amended.

Subsections (i) to (iii)

419. Subsections (i) to (iii) were approved as proposed.

Subsections (iv) to (vi)

420. An amendment was introduced to align the text with the wording agreed under paragraph 20(c)(iv).
421. Subsections (iv) to (vi) were approved as amended.

Subsection (vii)

422. Subsection (vii) was approved as proposed.

Subparagraph (d)

423. The Employer Vice-Chairperson proposed to insert at the end of the sentence “including through online multilingual portals.”
424. The Government Vice-Chairperson said that it was not clear how the State of origin would be able to provide information on another State’s legislation in different languages and requested additional clarification.
425. The Employer Vice-Chairperson explained that such information should be made available to foster transparency. Given the international scope of the fishing industry, multilingual portals

would make sense. If fishing vessel owners and recruiters were being asked to provide training and information in the language of the fisher, it would be surprising for governments to be unable to provide information in languages other than their own national language.

- 426. The Worker Vice-Chairperson raised concerns with regard to sharing online information or agreements that had yet to be concluded.
- 427. The Government Vice-Chairperson noted that States would not publish bilateral agreements without the agreement of both parties.
- 428. The Employer Vice-Chairperson agreed to withdraw the proposal.
- 429. Subparagraph (d) was adopted as proposed.
- 430. Paragraph 26, as a whole, was adopted as amended.

D. Guidelines for flag States

National legislation

Proposed paragraph 27

Subparagraph (a)

- 431. The Employer Vice-Chairperson proposed to insert “be effectively included in national jurisdiction and” before the wording “comply with its requirements”.
- 432. The Worker Vice-Chairperson supported the proposal, as some Member States had ratified the Work in Fishing Convention, 2007 (No. 188), but had yet to implement it.
- 433. The Government Vice-Chairperson observed that the proposed amendment was superfluous as integration into national legislation necessarily followed the ratification process but agreed to support the proposal. He further suggested to add “as a minimum” after “comply with its requirements”.
- 434. Subparagraph (a) was adopted as amended.

Subparagraph (b)

- 435. The Employer Vice-Chairperson proposed to insert “without imposing duplicative or conflicting obligations under multiple national systems” at the end of the subparagraph.
- 436. Subparagraph (b) was adopted as amended.

Subparagraph (c)

- 437. The Employer Vice-Chairperson, noting that both workers and employers had the right to freedom of association, proposed to specify that both groups had the right to join organizations and were protected against anti-union practices. He further proposed that “trade union activities” be replaced with “their respective rights”, and that the term “organizations” be used instead of “unions”, as reflected in the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
- 438. The Government Vice-Chairperson proposed to use the term “employers” rather than “fishing vessel owners”.
- 439. Subparagraph (c) was approved as amended.

Subparagraph (d)

440. The Employer Vice-Chairperson proposed to insert “and employers” after “migrant fishers”, in line with text agreed under subparagraph (c).
441. Subparagraph (d) was approved as amended.

Subparagraph (e)

442. Paragraph 27, as a whole, was adopted as amended.

Proposed paragraph 27 *bis*

443. The Government Vice-Chairperson, referring to the responsibility for collecting and generating statistics placed on flag States in paragraphs 11 and 16 of Annex II, proposed to insert a new section on data and statistics to follow paragraph 27, which would be entitled “Data and statistics” and would read:

The flag State should:

- (a) maintain an up-to-date registry of fishers, including migrant fishers, with detailed demographic and employment information;
 - (b) ensure that an appropriate national authority within the flag State generates and disseminates statistics on migrant fishers.
444. The Employer Vice-Chairperson requested clarification on how the information would be collected, given the potential administrative burden for employers, which should fall on flag States.
445. The Government Vice-Chairperson, noting that “registry” may not be the best term to use, explained that the aim would not be to request additional information, but to collate existing information and include new data as they arrived.
446. The Worker Vice-Chairperson stated that if a database could not be established for all fishers, one should at least be created for migrant fishers, to collate existing information, such as crew lists, and to maintain the registry up to date, rather than collecting new data.
447. The Employer Vice-Chairperson requested clarification, noting that while the concept of a registry was welcome in principle, it would be difficult to implement in practice, especially given the free movement of labour in areas such as the European Union where, for example, a French fisher working on a Dutch vessel was considered a migrant fisher but was not registered anywhere, making him effectively invisible in such a registry.
448. Following further deliberations, a compromise text was proposed, taking into account suggestions from all groups, to read:
- The flag State should:
- (a) collate existing data on fishers, including migrant fishers, such as from crew lists;
 - (b) ensure that an appropriate national authority within the flag State generates and disseminates statistics on migrant fishers; and
 - (c) aspire to develop a more detailed registry taking into account the guidance contained in Appendix II.
449. Paragraph 27 *bis*, and the proposed section heading, “Data and statistics”, were adopted as amended.

Enforcement

- 450. The heading of the section was amended to “Compliance and enforcement” and an amendment introduced to align with wording agreed for the heading above paragraph 17.
- 451. It was so agreed.
- 452. The section heading was adopted.

Proposed paragraph 28

Subparagraph (a)

- 453. The Worker Vice-Chairperson proposed to introduce, after the phrase “appropriate penalties,” the wording “and effective corrective measures”.
- 454. The Employer Vice-Chairperson proposed instead that the subparagraph be replaced entirely with the following text: “use a risk-based inspection strategy with clear coordination among competent authorities.” A coordinated approach would improve enforcement and clarity. For example, inspection services where certification and enforcement were separated, led to confusion among fishing vessel owners.
- 455. The Executive Secretary clarified that the original text, with the exception of “as well as regular and unannounced inspections”, had been drawn from Article 4 of the Work in Fishing Convention, 2007 (No. 188), and that subparagraph (b) already contained recommendations concerning coordination among competent authorities.
- 456. The Worker Vice-Chairperson indicated that although he supported the Employers’ group proposal, that text should only replace the section of the subparagraph that followed “and unannounced inspections”.
- 457. The Government Vice-Chairperson agreed and suggested mirroring the wording used previously in paragraph 12 (n), to read: “using a strategic compliance approach with proactive, targeted and risk-based inspections”.
- 458. Subparagraph (a) was approved as amended.

Subparagraph (b)

- 459. Subparagraph (b) was approved as proposed.

Subparagraph (c)

- 460. The Employer Vice-Chairperson proposed inserting after the word “develop” the following wording: “and implement, in consultation with employer and worker representatives.”
- 461. Subparagraph (c) was approved as amended.

Subparagraphs (d) and (e)

- 462. Subparagraphs (d) and (e) were approved as proposed.

Subparagraph (f)

- 463. The Employer Vice-Chairperson proposed to insert after “migrant fishers” the wording “ensuring confidentiality of statements obtained during inspections”.

464. The Government Vice-Chairperson further proposed to replace “provide” with “ensure the provision of independent” and to delete “a public service”.

465. Subparagraph (f) was approved as amended.

Subparagraph (g)

466. The Employer Vice-Chairperson proposed to replace “trade unions” with “employers’ and workers’ representatives.”

467. An amendment was introduced to delete the reference to civil society organizations and replace it with wording agreed under paragraph 12.

468. Subparagraph (g) was approved as amended.

Subparagraph (h)

469. The Employer Vice-Chairperson proposed to add at the end of the subparagraph the phrase “following a transparent investigation and appeal process”.

470. The Worker Vice-Chairperson expressed concern that allowing appeals prior to enforcement could delay action to address serious violations.

471. The Employer Vice-Chairperson clarified that the proposal did not concern timing but transparency, ensuring clarity in the procedure for investigations and appeals.

472. The Government Vice-Chairperson noted that the text referred to cases where violations had already been identified and therefore an additional reference to investigation was unnecessary. Additional wording could be drafted to indicate that appeal procedures should be clearly defined and transparent, in accordance with national legislation.

473. Following further discussions on the appeals process, the following alternative wording was proposed:

ensure that any fishing vessel owner, who following a transparent investigation, is found to have committed a serious violation of labour rights or human rights is denied the right to register a fishing vessel in the respective national register until the competent authority is satisfied that such a violation will not recur and ensure that adequate and transparent mechanisms and procedures are in place for any appeals process.

474. Subparagraph (h) was approved as amended.

Subparagraph (h) bis

475. The Meeting agreed to insert as a separate subparagraph after subparagraph (h) text taken from paragraph 33 (b), incorporating an amendment proposed by the Employer Vice-Chairperson to insert “and effectively implemented” after the word “ratified” and to delete the text “and require fishing vessel owners to ensure that recruitment and placement services and private employment agencies operating in States that have not ratified those instruments conform to standards consistent with Convention No. 188”. He explained that this approach would contradict the principles of state sovereignty, as businesses were required to comply with legislation in force in the country where they operate. Otherwise, it might lead to an arbitrary situation in which non-existent and non-enforceable legislation could apply without a legal basis. The proposed new subparagraph would read:

encourage fishing vessel owners to use recruitment and placement services and private employment agencies (in line with Convention No. 188 which refers to Convention No. 181, Article 1, paragraph 1(b)) that operate in a State that has ratified and effectively implemented

Convention No. 188, Convention No. 181 or the MLC, 2006, and are duly licensed, certified or otherwise authorized to operate in that State;

476. It was so agreed.

477. Subparagraph (h) *bis* was approved as amended.

Subparagraph (i)

478. Subparagraph (i) was approved as proposed.

479. Paragraph 28, as a whole, was adopted as amended.

Complaint mechanisms

480. The heading was amended to “Complaint and grievance mechanisms”, to align with wording agreed for the section heading above paragraph 18.

481. The section heading was adopted.

Proposed paragraph 29

Subparagraph (a)

482. Subparagraph (a) was approved as proposed.

Subparagraph (a) *bis*

483. A proposal was made to insert the following wording in a new subparagraph to follow existing subparagraph (a): “establish effective, free, expeditious, accessible and trusted grievance and other dispute resolution mechanisms”.

484. It was so agreed.

485. Subparagraph (a) *bis* was approved as amended.

Subparagraph (b)

486. An amendment relating to grievances was introduced to align with wording agreed under paragraph 12.

487. Subparagraph (b) was approved as amended.

Subparagraph (c)

488. An amendment relating to grievances was introduced to align with wording agreed under paragraph 12.

489. Subparagraph (c) was approved as amended.

Subparagraph (d)

490. An amendment was introduced to align with wording agreed under paragraph 12.

491. Subparagraph (d) was approved as amended.

Subparagraph (d) *bis*

492. A new subparagraph was inserted after existing subparagraph (d), containing the agreed text on due process rights adopted in paragraph 12:

guarantee due process rights of the parties involved, including the right of all parties to be heard, throughout the process.

- 493. It was so agreed.
- 494. Subparagraph (d) *bis* was approved as proposed.
- 495. Paragraph 29, as a whole, was adopted as amended.

Human rights due diligence

Proposed paragraph 30

Subparagraph (a)

- 496. Subparagraph (a) was approved as proposed.

Subparagraph (b)

- 497. The Employer Vice-Chairperson requested to replace “benefiting from” with “engaging” and to remove “from the labour of”.
- 498. The Worker Vice-Chairperson and Government Vice-Chairperson stressed that the wording had been agreed during the discussion on paragraph 12 (a).
- 499. The Employer Vice-Chairperson wished to place on record that his group did not feel that “benefiting from” was the appropriate word in the context.
- 500. Subparagraph (b) was approved as proposed.
- 501. Paragraph 30, as a whole, was adopted as amended.

OSH and violence and harassment

Proposed paragraph 31

Subparagraph (a)

- 502. The Employer Vice-Chairperson proposed to add a sentence at the end of the subparagraph to read as follows: “on fishing vessels flying their flag, regardless of the size of the vessel, the propulsion power of the area of operation”.
- 503. The Government Vice-Chairperson proposed to reorder the wording in the subparagraph and to insert a minor amendment. Accordingly, the revised subparagraph would read:

adopt or adapt and effectively apply OSH policies on all fishing vessels flying its flag, regardless of the size of the vessel, the propulsion power or area of operation, concerning issues such as the prevention of occupational accidents and incidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation (with the participation of migrant fishers or their representatives, as appropriate), risk management and the training and instruction of migrant fishers, as well as the reporting and investigation of accidents, thereby promoting basic principles such as assessing occupational risks or hazards, combating occupational risks or hazards at source, and developing a preventive safety and health culture;

- 504. It was so agreed.
- 505. Subparagraph (a) was approved as amended.

Subparagraph (b)

- 506.** The Employer Vice-Chairperson proposed to add “and support” after the word “require” and the Government Vice-Chairperson proposed a minor editorial amendment. Moreover, an amendment was introduced to reflect wording agreed under subparagraph (a).
- 507.** Subparagraph (b) was approved as amended.

Subparagraph (c)

- 508.** The Employer Vice-Chairperson proposed an editorial amendment to align with wording agreed under subparagraph (b).
- 509.** An amendment was introduced to align with wording agreed under paragraph 11.
- 510.** Subparagraph (c) was approved as amended.

Subparagraph (d)

- 511.** The Worker Vice-Chairperson proposed to insert “in consultation with employer and worker representatives” after “establish”, and to delete “after consultation”, to align the text with wording agreed under paragraph 28(c).
- 512.** The Government Vice-Chairperson suggested that in referring to shipboard violence and harassment, the definition used in paragraph 11 should be used, namely: “violence and harassment, including gender-based violence and harassment”.
- 513.** An amendment was introduced to align the wording with the text agreed under paragraph 12(q)(ii).
- 514.** Subparagraph (d) was approved as amended.

Subparagraph (d) bis

- 515.** The Employer Vice-Chairperson proposed to insert a new subparagraph, to follow existing subparagraph (d), containing text agreed under paragraph 12 (q), namely: “guarantee due process rights of the parties involved, including the right of all parties to be heard, throughout the process”.
- 516.** It was so agreed.
- 517.** Subparagraph (d) *bis* was approved.
- 518.** Paragraph 31, as a whole, was adopted as amended.

Migration-related procedures**Proposed paragraph 32****Subparagraph (a)**

- 519.** The Employer Vice-Chairperson proposed to add, at the end of the paragraph, “and avoid producing duplicative visa or work permit requirements for employers operating under the existing maritime frameworks”. Different systems often required different work permits and the amendment aimed to ensure that a single work permit would suffice.
- 520.** The Government Vice-Chairperson noted that the issue was adequately covered under national jurisdiction and proposed to keep the text as originally drafted.

521. Subparagraph (a) was approved as proposed.

Subparagraph (b)

522. Subparagraph (b) was approved as proposed.

523. Paragraph 32, as a whole, was adopted as amended.

Transfer to another vessel

Proposed paragraph 33

Subparagraph (a)

Subsections (i) to (iii)

524. Subsections (i) to (iii) were approved as proposed.

Subsection (iv)

525. The Employer Vice-Chairperson proposed to add after fisher “except in emergency situations when transfer is necessary for safety and subsequently reported to the competent authority.” Such situations could include flooding or other types of emergencies.

526. The Government Vice-Chairperson suggested that emergency situations were not related to the concept of “transfers” and that the proposed text should be incorporated elsewhere in the guidelines.

527. The Meeting agreed to move the proposed text relating to emergency situations to the relevant part of Tool 2.

528. It was so agreed.

529. Subsection (iv) was approved as proposed.

Subparagraph (b)

530. Considering that the subparagraph was misplaced, the Meeting agreed to find a more appropriate location in the guidelines.

531. It was decided to delete subparagraph (b) from paragraph 33.

532. The text of subparagraph (b) was inserted into a new subparagraph to follow subparagraph (h) in paragraph 28.

533. Paragraph 33, as a whole, was adopted as amended.

Fisher’s work agreement

Paragraph 34

Subparagraph (a)

534. An amendment was introduced after the second mention of “fishing vessel owner”, relating to evidence of contractual arrangements, to align with wording agreed under paragraph 15(d).

535. Subparagraph (a) was approved as amended.

Subparagraph (b)

536. An amendment was introduced to align with text agreed under paragraph 15(e).
537. Subparagraph (b) was approved as amended.

Subparagraph (c)

538. Minor amendments were introduced to align with wording agreed under paragraph 15(b).
539. The Worker Vice-Chairperson proposed some minor editorial changes.
540. Subparagraph (c) was approved as amended.

Subparagraph (d)

541. Subparagraph (d) was approved as amended.

Subparagraph (d) *bis*

542. It was agreed that the following wording, incorporating an amendment referring to a period of 72h, to align with text agreed under paragraph 15(c), as well as a minor editorial change, would be introduced as a new subparagraph after existing subparagraph (d). The new subparagraph would read:

ensure proper arrangements are made, including by providing sufficient time (minimum 72 hours, unless the advice has been obtained earlier), for migrant fishers to review and seek advice on their fisher's work agreements before they are concluded, taking into account language and literacy barriers, so that they are able to comprehend the contents;

543. Subparagraph (d) *bis* was approved as proposed.

Subparagraph (e)

544. Subparagraph (e) was approved as proposed.

Subparagraph (f)

545. An amendment was introduced to align with wording agreed under paragraph 12(s).
546. Subparagraph (f) was approved as amended.

Subparagraph (g)

547. The Employer Vice-Chairperson proposed to insert "in accordance with existing legislation and" before the wording "enforceable in the flag State".
548. The Executive Secretary indicated that this was a different situation than in the section on the State of recruitment, as it involved States of recruitment or of origin.
549. The Employer Vice-Chairperson proposed an alternative amendment, to read "in accordance with the legislation of the flag State and".
550. The Government Vice-Chairperson said that flag States would not be able to ensure that other Member States had introduced relevant legislation.
551. During the subsequent discussion, the Government expert from Indonesia noted that in her country, a State of origin, it would be difficult to implement the proposed requirement under national law. Bilateral agreements were used for such purposes, taking into account the respective States' legislation and sovereignty.

- 552. In the light of that discussion, the Employer Vice-Chairperson withdrew his amendment.
- 553. Subparagraph (g) was approved as proposed.
- 554. Paragraph 34, as a whole, was adopted as amended.

Repatriation and shore leave

Proposed paragraph 35

Subparagraph (a)

Subsections (i) and (ii)

- 555. Subsections (i) and (ii) were approved as proposed.

Subsection (iii)

- 556. The Worker Vice-Chairperson proposed to add, in the fourth bullet point, after “bound for a war zone” the words “or high-risk area”. He gave the example of areas where pirates were known to operate, which could be as dangerous as war zones.
- 557. The Government expert from United Kingdom of Great Britain and Northern Ireland explained that “high-risk areas” were zones where armed conflict, terrorism, piracy or political instability increased the risk for seafarers. Specific compensation measures applied, and seafarers had the right to refuse to enter such zones. At the international level, high-risk areas were designated and recognized by international forums, such as the International Bargaining Forum, as well as international organizations such as the ILO and IMO. At the domestic level, such areas – and the level of risk involved – would be set out by the social partners.
- 558. The Employer Vice-Chairperson proposed that a footnote should be added containing a definition of a high-risk area.
- 559. The Government Vice-Chairperson agreed and further proposed to add the wording “international and” before the words “national laws”, to cover where the concept was recognized and defined under international law.
- 560. The Worker Vice-Chairperson agreed and further proposed to add, after “laws or regulations”, the wording “agreements of social partners”, to cover high-risk areas as set out by the social partners, and to include a footnote with a reference to the list of high-risk areas recognized by the International Bargaining Forum.
- 561. The proposed text of the subsection would read as follows:
 - a vessel being bound for a war zone or high-risk area, as defined in international agreements, national laws or regulations, agreements of social partners, or the fisher’s work agreement, to which the migrant fisher does not consent to go;
- 562. It was so agreed.
- 563. Subsection (iii) was approved as amended.
- 564. Subparagraph (a) was approved as amended.

Subparagraph (b)

- 565. The Worker Vice-Chairperson proposed to mirror the wording used in the Work in Fishing Convention, 2007 (No. 188) by inserting “his or her work agreement” before the word “obligations” and suggested deleting the text in brackets.
- 566. The Government Vice-Chairperson proposed a minor editorial amendment.
- 567. The Worker Vice-Chairperson proposed to insert “in accordance with the applicable grievance procedure and” before “in accordance with national laws...”, explaining that a grievance procedure was necessary in cases of a serious default of the obligations in the work agreement.
- 568. The Chairperson clarified that grievance procedures could serve to define, and provide examples of, serious breaches of obligations, and ensure that the fishing vessel owner bore the repatriation costs unless the migrant fisher had seriously breached their obligations, thereby allowing the owner to recover those costs, as provided in the Convention. The proposed amendment sought to enhance transparency.
- 569. Following discussions, it was agreed that the introductory part of subparagraph (b), ending with the colon before the list containing subsections (i)–(v), would read as follows: “ensure that the cost of repatriation is borne by the fishing vessel owner; costs to be borne should include at least the following:”.
- 570. It was further decided that the reference in the subparagraph to cases where the migrant fisher had been found in breach of their obligations, would be incorporated into a new subparagraph to follow subparagraph (b).
- 571. It was so agreed.
- 572. Subparagraph (b) was approved as amended.

Subparagraph (b) *bis*

- 573. The Meeting agreed to insert a new subparagraph after subparagraph (b), incorporating wording from subparagraph (b) on the cost of repatriation in cases where the migrant fisher had been found to be in serious default of obligations under the fisher’s work agreement.
- 574. The following wording was proposed by the Government Vice-Chairperson:

ensure that the costs of repatriation are borne by the fishing vessel owner, except where the migrant fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of their work agreement obligations;
- 575. The Employer Vice-Chairperson wished to see the concept of grievance procedures reflected in the text.
- 576. The Chairperson observed that such procedures were covered by the umbrella term “other measures”.
- 577. Subparagraph (b) *bis* was approved.

Subparagraph (c)

- 578. Subparagraph (c) was approved as proposed.

Subparagraph (d)

- 579. The Worker Vice-Chairperson proposed to add after “service on board” the wording “which should not exceed 12 months”.

580. The Employer Vice-Chairperson proposed a minor editorial change.

581. Subparagraph (d) was approved as amended.

Subparagraph (e)

582. Subparagraph (e) was approved as proposed.

Subparagraph (f)

583. The Worker Vice-Chairperson proposed to add “medical expenses,” after “repatriation costs”.

584. It was so agreed.

585. The Government Vice-Chairperson pointed out that, in cases of abandonment of fishers, the flag State should inform the State of origin through its diplomatic or consular services.

586. The Meeting agreed that a relevant recommendation would be inserted as a separate subparagraph to follow subparagraph (f). The Meeting further agreed, for the sake of clarity, to end subparagraph (f) after the wording in brackets, and to incorporate the subsequent text: “and report any cases for inclusion in the ILO/IMO Joint Database on Abandonment of Seafarers”, into the proposed new subparagraph.

587. Subparagraph (f) was approved as amended.

Subparagraph (f) *bis*

588. Following on from the discussion under subparagraph (f), the Government Vice-Chairperson proposed to insert a new subparagraph after subparagraph (f), to read:

ensure, in the event of abandonment, that the State of origin is informed, through their respective diplomatic or consular services in the flag State; and report cases of abandonment for inclusion in the ILO/IMO Joint Database on Abandonment of Seafarers;

589. Subparagraph (f) *bis* was approved as proposed.

Subparagraph (g)

590. The Employer Vice-Chairperson proposed, given that the fishing vessel owner would be held liable if the migrant fisher failed to return to the vessel at the end of their shore leave, to add the following language to the end of paragraph: “in foreign ports, the fisher is entitled to shore leave granted at the discretion of the skipper, subject to local immigration laws and operations requirements. The fisher agrees to return to the vessel at the designated time prior to departure. Failure to return on time may result in termination of the work agreement and the fisher may bear personal responsibility for any legal, financial or repatriation costs incurred. The fishing vessel owner should not be held liable for the cost resulting from unauthorized absence or failure to rejoin the vessel.”

591. The Government Vice-Chairperson requested clarification regarding the flag States’ responsibilities in such cases.

592. The Employer Vice-Chairperson said that while he supported the principle of shore leave, concerns had been raised that cases where fishers did not return to their vessels incurred significant costs and liabilities for the fishing vessel owner or employer, despite the circumstances being beyond their control. If a migrant fisher was permitted to go ashore and then deliberately chose not to return, the vessel owner should not be held liable. The case was different for accidents or medical

emergencies, and States could include in their legislation provisions specifying the absence of liability for fishing vessel owners in such cases.

593. The Worker Vice-Chairperson remarked that the proposal could amount to a denial of shore leave, since there might be many reasons for a fisher failing to return to the vessel on time. Drawing on personal experience, he noted that many unforeseen situations could occur while ashore, and there might be legitimate reasons for a fisher not to return to the vessel.
594. The Employer Vice-Chairperson acknowledged the concerns raised and agreed that a grey area existed. He suggested that the text could specify that if a grievance procedure were followed and the migrant worker won the case, then the fishing vessel owner should be responsible for all related costs.
595. The Worker Vice-Chairperson said that the wording “at the discretion of the skipper” left no possibility for the migrant worker to arbitrate any refusal of shore leave, especially given that such leave may be essential for people working on board vessels for long periods of time. Additionally, he observed that the fisher’s work agreement might stipulate when they should return to work following shore leave.
596. The Government Vice-Chairperson drew attention to the relevant provisions of the Code of the Maritime Labour Convention, 2006, as amended in 2025, which stipulated that owners shall allow shore leave to seafarers when off duty, upon arrival in port, except when leaving the vessel is prohibited or restricted by relevant authorities of the port state or due to safety or operational reasons. That wording would cover the first sentence in the proposed subparagraph. With regard to liability, he suggested the following formulation: “In the event of a migrant worker absconding from a fishing vessel, the fishing vessel owner should not be held liable for the costs resulting from this.”
597. The Employer Vice-Chairperson raised concerns regarding the term “absconding”.
598. The Government Vice-Chairperson proposed to replace “on time” with “an agreed time”.
599. The Worker Vice-Chairperson said that the agreed time was likely to be stipulated in the work agreement. He also observed that creating a situation where the vessel might be delayed or unable to resume normal operations would constitute a serious default of the work agreement.
600. After further discussions, it was agreed a reference to “agreed time” should be included, in both the guidelines and the relevant tool, and that a subparagraph on shore leave and failure to return to the vessel should also be included as part of a new paragraph, to follow existing paragraph 60.
601. Several additional amendments were proposed to the wording of the text, including some minor editorial changes and amendments to reflect the concerns raised. The following compromise wording was agreed:

require fishing vessel owners to allow shore leave to migrant fishers when off duty, upon arrival in port, except when leaving the vessel is prohibited or restricted by relevant authorities of the port State or due to safety or operational reasons. In the event that a migrant fisher fails to return to the fishing vessel, without a justified reason, the fishing vessel owner may not be held liable for the costs resulting from this. These costs do not include recruitment fees and related costs, except costs of repatriation.
602. It was so agreed.
603. Subparagraph (g) was approved as amended.
604. Paragraph 35, as a whole, was adopted as amended.

Liability

Proposed paragraph 36

Subparagraph (a)

605. The Employer Vice-Chairperson proposed to delete the words “posted on board their vessels” as the definition of private employment agency rendered them unnecessary.

606. It was so agreed.

607. Subparagraph (a) was approved as amended.

Subparagraph (b)

608. Subparagraph (b) was approved as proposed.

Subparagraph (c)

609. The Employer Vice-Chairperson proposed to insert “and support” after “encourage”.

610. Subparagraph (c) was approved as amended.

Subparagraph (d)

611. The Employer Vice-Chairperson proposed to replace “require” with “encourage and support”.

612. The Government Vice-Chairperson proposed to retain the word “require”, since governments would not be providing connectivity, and to add “support as appropriate”. He further suggested moving the phrase “as far as reasonably practicable” to after the wording “with social connectivity”.

613. The Employer Vice-Chairperson explained that “encourage and support” referred to providing information, training, and similar measures to support compliance with the requirements stated in the text. Some countries even provided financial support for the installation of Wi-Fi on board vessels to enhance connectivity.

614. During the subsequent discussions, further proposals were made to revise the wording of the subparagraph; issues raised included the extent of Government involvement in providing connectivity, Wi-Fi access and coverage issues beyond fishing vessel owners’ control, as well as the need to take technical limitations into account.

615. The Government Vice-Chairperson said that he preferred to retain the term “require” and suggested that the wording could follow the example used in the Maritime Labour Convention, 2006, as amended (MLC, 2006) specifying that fishing vessel owners were “required, as far as reasonably practicable” to provide the service, as that might constitute clearer and more appropriate language.

616. The Employer Vice-Chairperson said that the addition of “require” was acceptable, but stressed that “and support” should be retained. He explained that support measures – such as tax reduction systems or other forms of assistance – could help fishing vessel owners obtain the necessary technical equipment, thereby facilitating implementation and providing an additional boost.

617. Following further discussions, a compromise text was proposed, including wording suggested by the Government Vice-Chairperson and the Employer Vice-Chairperson, and based on text from the Maritime Labour Convention, 2006, to read:

require and support, as appropriate, fishing vessel owners to provide migrant fishers on board fishing vessels flying its flag, including in distant-water fleets, with social connectivity, as far as reasonably practicable, including internet access, preferably Wi-Fi, free of charge, for the purposes of enabling them to contact their representatives, family and friends, seek assistance or file complaints or grievances, subject to technical feasibility, any on-board protocol governing acceptable internet usage and any reasonable limitations on data.

618. A minor amendment was introduced to align with wording agreed under paragraph 12.

619. Subparagraph (d) was approved as amended.

620. Paragraph 36, as a whole, was adopted as amended.

Social protection

Proposed paragraph 37

Subparagraphs (a) to (c)

621. Subparagraphs (a) to (c) were approved as proposed.

Subparagraph (e)

622. An amendment was introduced to align with language agreed under paragraph 25.

623. Subparagraph (e) was approved as amended.

Subparagraph (f)

624. An amendment was introduced to align with language agreed under paragraph 25.

625. Subparagraph (f) was approved as amended.

626. Paragraph 37, as a whole, was adopted as amended.

Bilateral and multilateral agreements

Proposed paragraph 38

Subparagraph (a)

627. The Worker Vice-Chairperson proposed to add “information-sharing” after the word “cooperation”.

628. The Government Vice-Chairperson expressed concerns about confidentiality and did not support that addition.

629. The Worker Vice-Chairperson stressed that in cases of abandonment or sickness, it might be necessary to share information with States of origin and recruitment.

630. The Employer Vice-Chairperson said that the inclusion would provide reassurance.

631. Amendments were introduced to align with wording agreed under paragraphs 12(s) and 20 (a).

632. Subparagraph (a) was approved as amended.

Subparagraph (b)

633. A minor editorial change was introduced.
634. Subparagraph (b) was approved as amended.

Subparagraph (c)**Subsection (i)**

635. Subsection (i) was approved as proposed.

Subsection (ii)

636. An amendment was introduced to align with wording agreed under paragraph 12.
637. Subsection (ii) was approved as amended.

Subsection (iii)

638. Subsection (iii) was approved as proposed.

Subsection (iv)

639. Minor amendments were introduced to align with wording agreed under paragraph 20(c).

Subparagraph (d)

640. Subparagraph (d) was approved as proposed.
641. Paragraph 38, as a whole, was adopted as amended.

Training and awareness-raising**Proposed paragraph 39****Subparagraph (a)**

642. The Employer Vice-Chairperson proposed to insert a minor consequential change.
643. Subparagraph (a) was approved as amended.

Subparagraph (b)

644. Employer Vice-Chairperson clarified that references to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, should not specify a year, so that the provision would always apply to the latest version. He also proposed to add "and support" after "require" and to include wording referring to the assigned role and duties of fishers.
645. The Executive Secretary explained that the provision was based on Article 31 of the Work in Fishing Convention, 2007 (No. 188), which referred to training in handling fishing gear and in knowledge of the fishing operations in which fishers would be engaged. She clarified that those not engaged in such operations would not require the training.
646. Subparagraph (b) was approved as amended.

Subparagraph (c)

647. An amendment was introduced to align with wording agreed under paragraph 21(b).
648. Subparagraph (c) was approved as amended.

Subparagraph (d)

649. Minor amendments were introduced to align with wording agreed under paragraphs 12(x) and 21(a).
650. Subparagraph (d) was approved as amended.

Subparagraph (e)

651. An amendment was introduced to align with wording agreed under paragraph 21(b) and (c).
652. Subparagraph (e) was approved as amended.

Subparagraph (f)

653. The Chairperson recalled that alternative formulations existed in other ILO sectoral texts, namely “where practicable” or “in an appropriate language”, to be inserted after “migrant fishers”.
654. The Worker Vice-Chairperson expressed his preference for “in an appropriate language”, which was supported by the Employer Vice-Chairperson and the Government Vice-Chairperson.
655. The Meeting agreed to adopt this wording and apply it consistently across similar provisions.
656. Subparagraph (f) was approved as amended.
657. Paragraph 39, as a whole, was adopted as amended.

E. Guidelines for port States**Enforcement**

658. The heading of the section was amended to “Compliance and enforcement” to align with wording agreed for the section heading above paragraph 18.

Proposed paragraph 40**Subparagraph (a)**

659. An amendment was introduced, relating to inspections, to align with wording agreed under paragraph 28(a).
660. Subparagraph (a) was approved as amended.

Subparagraph (a) *bis*

661. The Employer Vice-Chairperson proposed to insert a new subparagraph after subparagraph (a), to read as follows:
- recognize valid inspection certificates from flag States that had ratified Work in Fishing Convention, 2007 (No. 188).
662. The Executive Secretary clarified that the Convention referred to a valid document issued by the competent authority stating that the vessel had been inspected.

663. The Employer Vice-Chairperson stated that alternative wording would also be acceptable, emphasizing that the principle was to ensure recognition of valid documents or certificates so as to avoid unnecessary additional inspections, which unfortunately still occurred in practice.

664. The following alternative wording was proposed:

recognize valid documents issued by flag States that ratified Convention No. 188, stating that the vessel has been inspected for compliance with the provisions of this Convention.

665. Subparagraph (a) *bis* was approved.

Subparagraphs (b) to (d)

666. Subparagraphs (a) to (d) were approved as proposed.

Subparagraph (e)

667. Minor amendments relating to confidentiality were introduced to align with wording agreed under paragraph 28(f).

668. Subparagraph (e) was approved as amended.

Subparagraph (f)

669. An amendment was introduced to align with wording agreed under paragraph 28(g).

670. Subparagraph (f) was approved as amended.

Subparagraph (g)

671. The Government Vice-Chairperson proposed to delete “ascertained situations of” in the first line of the subparagraph.

672. Subparagraph (g) was approved as amended.

Subparagraph (h)

673. An amendment was introduced to align with wording agreed under paragraph 12(x).

Subparagraph (h) *bis*

674. The Government Vice-Chairperson proposed to insert a new subparagraph after subparagraph (h), to align with the wording agreed under paragraph 35. The new subparagraph would read:

ensure that, in the event of abandonment in the port State, the flag State and the State of origin is informed, through their respective diplomatic or consular representatives in the port State; and report any cases for inclusion in the ILO/IMO Joint Database on Abandonment of Seafarers.

675. Subparagraph (h) *bis* was approved as proposed.

676. Paragraph 40, as a whole, was adopted as amended.

Complaint mechanisms

677. An amendment was introduced to align the heading with the amended section heading above paragraph 18.

Proposed paragraph 41

Subparagraphs (a) to (c)

678. Subparagraphs (a) to (c) were approved as proposed.

Subparagraph (d)

679. The Government Vice-Chairperson proposed to insert after the word “justice” the phrase “and communicate with the diplomatic or consular representative of their State of origin,” in line with wording agreed earlier in the document.

680. Subparagraph (d) was approved as amended.

Subparagraph (d) *bis*

681. A new subparagraph was introduced after subparagraph (d) containing the language agreed under paragraph 12(q) on due process rights.

682. Subparagraph (d) *bis* was approved.

683. Paragraph 41, as a whole, as adopted as amended.

Repatriation and shore leave

Proposed paragraph 42

684. Paragraph 42 was adopted as proposed.

Medical care and welfare

Proposed paragraph 43

685. Paragraph 43 was adopted as proposed.

F. Guidelines for coastal States

Proposed paragraph 44

Subparagraph (a)

686. The Employer Vice-Chairperson proposed to replace the word “minimum” with “ratified”. He further proposed to insert “or the Maritime Labour Convention, 2006, as amended” after the words “Convention No. 188”.

687. The Head of Unit clarified that the deletion of “minimum” was intended to remove the entire phrase “generally accepted minimum,” explaining that the term “generally accepted” would not ordinarily be used with “ratified.”

688. The Government Vice-Chairperson stated that his group did not agree with the proposed change and preferred to retain the original wording, namely “generally accepted minimum standards”. The aim was to ensure compliance with minimum standards, even for those States that had not ratified the Convention. He agreed to include the full reference to the Maritime Labour Convention, 2006, as amended, but disagreed with the proposal concerning ratification.

689. The Worker Vice-Chairperson expressed his agreement with the Government group.

690. The Meeting agreed to insert a reference to “the Maritime Labour Convention, 2006, as amended”.

Subparagraph (b)

691. The Employer Vice-Chairperson proposed to add the wording “when ratified” after “Convention No. 188” and then insert the sentence “Any detention or sanction shall follow due process and be proportionate to verified violations.” He further suggested repeating the phrase “when ratified” after the subsequent reference to the Work in Fishing Convention, 2007 (No. 188) in the subparagraph.

692. The Worker Vice-Chairperson and the Government Vice-Chairperson objected on grounds similar to those raised during the discussion under subparagraph (a) of the same paragraph. The Government Vice-Chairperson added that proposal relating to detention or sanctions would need to target port, not coastal, States.

693. In the light of those comments, the Employer Vice-Chairperson withdrew his proposal.

694. Subparagraph (b) was approved as proposed.

695. Proposed paragraph 44, as a whole, was adopted as amended.

G. Guidelines for labour recruiters

Human rights due diligence

Proposed paragraph 45

Chapeau

696. The Employer Vice-Chairperson proposed to add after “should” the wording “in accordance with national rules and legislation”.

697. It was so agreed.

698. The chapeau was approved as amended.

Subparagraph (a)

699. The Employer Vice-Chairperson proposed to add the following text after the word “addressing” at the end of subparagraph (a): “and acting on any identified adverse human rights impacts”.

700. Subparagraph (a) was approved as amended.

Subparagraphs (b) and (c)

701. Subparagraphs (b) and (c) were approved as proposed.

Subparagraph (d)

702. The Worker Vice-Chairperson proposed to replace the wording “been promised” with “freely agreed to”.

703. Subparagraph (d) was approved as amended.

704. Paragraph 45, as a whole, was adopted as amended.

Data collection

Proposed paragraph 46

705. The Employer Vice-Chairperson proposed to replace the wording “in line with” with “taking into account”, to align with wording used in paragraph 15(e).
706. Paragraph 46 was adopted as amended.

Fisher’s work agreements

Proposed paragraph 47

Subparagraph (a)

707. Subparagraph (a) was approved as proposed.

Subparagraph (b)

708. An amendment relating to the language of the agreement was introduced to align with wording agreed under paragraph 15(b).
709. Subparagraph (b) was approved as amended.

Subparagraph (c)

710. An amendment was introduced to align with wording agreed under paragraph 15(d).
711. Subparagraph (c) was approved as amended.

Subparagraph (d)

712. The Worker Vice-Chairperson proposed to include the wording “immediately after they are signed”, to emphasize that the fishers need to be given a copy straight after signing their contracts.
713. Several versions of the proposed text were discussed. It was agreed to introduce the following wording into the subparagraph:

A copy of their written fisher’s work agreement when signed by the fisher and the fishing vessel owner.

714. Subparagraph (d) was approved as amended.

Subparagraph (e)

715. Subparagraph (e) was approved as proposed.
716. Paragraph 47, as a whole, was adopted as amended.

Other responsibilities

Proposed paragraph 48

Subparagraphs (a) and (b)

717. Subparagraphs (a) and (b) were approved as proposed.

Subparagraph (c)

718. An amendment was introduced to align with the wording agreed under paragraph 15 and 16(c).

719. Subparagraph (c) was approved as amended.

Subparagraphs (d) and (e)

720. Subparagraphs (d) and (e) were approved as proposed.

Subparagraph (f)

721. Minor amendments relating to violence and harassment as well as training, were introduced to align with wording agreed under paragraphs 11 and 13.

Subparagraph (g)

722. Minor amendments were introduced to align with wording agreed under paragraph 12.

723. Subparagraph (g) was approved as amended.

Subparagraph (h)

724. An amendment was introduced to align with wording agreed under paragraph 12.

725. Subparagraph (h) was approved as amended.

726. Paragraph 48, as a whole, was adopted as amended.

Liability**Proposed paragraph 49****Chapeau**

727. The Employer Vice-Chairperson proposed to amend the wording of the chapeau to read: "the labour recruiter should, in accordance with national laws and regulations".

728. The chapeau was approved as amended.

Subparagraph (a)

729. The Employer Vice-Chairperson proposed to add the following sentence at the end of the subparagraph: "This system should be designed to operate independently from the labour recruiter and the fishing vessel owner", to provide additional assurance to the migrant fisher.

730. The Government Vice-Chairperson expressed doubts about the term "independent" and expressed his preference for the original text. The Worker Vice-Chairperson added that the insertion in the chapeau of the wording "in accordance with national laws and regulations" also covered the concept of independence, including the establishment, under national law, of such an independent system.

731. The Employer Vice-Chairperson agreed, in view of the points raised, to revert to the original wording of the subparagraph.

732. Subparagraph (a) was approved as proposed.

Subparagraph (b)

- 733.** The Government Vice-Chairperson proposed to replace part of the text with the relevant section of the agreed text in paragraph 14(b). The proposed amendment would read: “assume obligations to ensure the proper fulfilment by fishing vessel owners, wherever located, of the terms of the fisher’s work agreements that the fishing vessel owners have entered into with migrant fishers (joint liability).”
- 734.** Paragraph 49 was adopted, as a whole, as amended.

Training and awareness-raising**Proposed paragraph 50****Subparagraph (a)**

- 735.** An amendment was introduced to align with wording agreed under paragraph 21(a).
- 736.** Subparagraph (a) was approved as amended.

Subparagraph (b)

- 737.** An amendment was introduced to align with wording agreed under paragraph 21.
- 738.** Subparagraph (b) was approved as amended.
- 739.** Paragraph 50, as a whole, was adopted as amended.

Additional responsibilities of private employment agencies**Proposed paragraph 51****Chapeau**

- 740.** An amendment was introduced by the Employer Vice-Chairperson to align the chapeau with similar wording used elsewhere in the guidelines by adding, after the word “should”, the following text: “in accordance with national laws and regulations”.
- 741.** The chapeau was approved as amended.

Subparagraph (a)

- 742.** Following discussions on appropriate wording, the Employer Vice-Chairperson proposed, to improve clarity, as the subparagraph referred to the agreement in Tool 4, to replace “have evidence of contractual arrangements” with “make a contractual agreement” and to replace “in line with Tool 4” with “taking into account Tool 4”.
- 743.** Subparagraph (a) was approved as amended.

Subparagraph (b)

- 744.** Subparagraph (b) was approved as proposed.
- 745.** Paragraph 51, as a whole, was adopted as amended.

H. Guidelines for fishing vessel owners

Human rights due diligence

Proposed paragraph 52

Subparagraph (a)

- 746.** Minor amendments were introduced to align with wording agreed under paragraph 45, to read “in line with national laws and regulations, where applicable”, and to further add “addressing and acting on”.
- 747.** Subparagraph (a) was approved as amended.

Subparagraphs (b) and (c)

- 748.** Subparagraphs (b) and (c) were approved as proposed.

Subparagraph (d)

- 749.** An amendment was introduced to align with wording agreed under paragraph 17(d)(vii).
- 750.** Subparagraph (d) was approved as amended.

Subparagraph (e)

- 751.** The Worker Vice-Chairperson proposed to delete the reference to “representatives of workers” so that the subparagraph would focus only on “representatives of migrant fishers”. Migrant fishers or their representatives should retain the right to negotiate.
- 752.** The Employer Vice-Chairperson observed that, since the agreements concerned were legally binding, the text should clearly specify the legitimate negotiating parties. He therefore proposed to include the phrase “representatives of workers, including migrant fishers”, to make clear that only the relevant organizations could negotiate such agreements.
- 753.** The Worker Vice-Chairperson recalled that, in some Member States, migrant fishers were not allowed to form or join trade unions and consequently needed to be able to negotiate directly with fishing vessel owners.
- 754.** The Government Vice-Chairperson reiterated that the subparagraph addressed migrant fishers only; the Employers’ group addition would broaden rather than clarify its scope.
- 755.** The Workers’ group Adviser proposed to insert “respect the right of migrant fishers or workers’ organizations representing them” before “to negotiate legally binding and enforceable agreements pertaining to grievance redress mechanisms and access to remedy.”
- 756.** It was so agreed.
- 757.** Subparagraph (e) was approved as amended.
- 758.** Paragraph 52, as a whole, was adopted as amended.

Fisher's work agreements

Proposed paragraph 53

Subparagraph (a)

759. An amendment was introduced to align with wording agreed under paragraph 15(d), in line with Article 20 of Convention No. 188.

760. Subparagraph (a) was approved as amended.

Subparagraph (b)

761. An amendment relating to training was introduced to align with wording agreed under paragraph 15(b).

762. Subparagraph (b) was approved as amended.

Subparagraph (c)

763. An amendment was introduced to align with wording agreed under paragraph 15(f), namely that a copy of the fisher's work agreement should be made available to the fisher immediately after signature by all parties.

764. Paragraph 53, as a whole, was adopted as amended.

Engagement with labour recruiters

Proposed paragraph 54

Subparagraph (a)

765. Minor amendments were introduced, including to align with text agreed under paragraph 48(c). The amended subparagraph would read:

make a contractual agreement with the recruitment and placement service, taking into account Tool 5 (Appendix I).

766. Subparagraph (a) was approved as amended.

Subparagraph (b)

767. An amendment was introduced to align with wording agreed under paragraphs 48(c) and 54(a), to read "make a contractual agreement with the private employment agency, taking into account Tool 4 (Appendix I)".

768. Subparagraph (b) was approved as amended.

Subparagraph (c)

769. Subparagraph (c) was approved as proposed.

Subparagraph (d)

770. The Employer Vice-Chairperson proposed to redraft the subparagraph, owing to concerns that fishing vessel owners could not guarantee that all employment agencies within a State operated in compliance with the provisions of the Work in Fishing Convention, 2007 (No. 188), only those they dealt with directly.

- 771.** The Worker Vice-Chairperson disagreed noting that it was possible to verify on the ILO website which States had ratified the instrument. Moreover, even non-ratifying States should conform to standards consistent with the Work in Fishing Convention, 2007 (No. 188).
- 772.** The Employer Vice-Chairperson said that fishing vessel owners could only monitor compliance by the recruitment or placement services they used.
- 773.** The Government Vice-Chairperson proposed alternative wording for the subparagraph to reflect that understanding:

use recruitment and placement services or private employment agencies that operate in a State that has ratified Convention No. 188, Convention No. 181 or the MLC, 2006, and are duly licensed, certified or otherwise authorized to operate in that State; or, when using recruitment and placement services or private employment agencies operating in States that have not ratified these instruments, ensure they conform to standards consistent with Convention No. 188.

- 774.** Subparagraph (d) was approved as amended.
- 775.** Paragraph 54, as a whole, was adopted as amended.

Repatriation and shore leave

Proposed paragraph 55

Subparagraph (a)

- 776.** An amendment was introduced, in line with wording agreed under paragraph 35, to read:

arrange and pay for the repatriation of migrant fishers, in the circumstances and to the repatriation destinations recommended below, and bear the costs of such repatriation, except where the migrant fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of their work agreement obligations;

- 777.** Subparagraph (a) was approved as amended.

Subparagraph (b)

- 778.** Minor amendments relating to high-risk areas were introduced to align with wording agreed under paragraph 35(a)(iii).

Subparagraphs (c) and (d)

- 779.** Subparagraphs (c) and (d) were approved as proposed.

Subparagraph (e)

- 780.** Minor amendments were introduced to align with wording agreed under paragraph 35(d).
- 781.** Subparagraph (e) was approved as amended.

Subparagraph (f)

- 782.** A minor amendment was introduced, in line with wording used in paragraph 35.
- 783.** Subparagraph (f) was approved as amended.

Subparagraph (g)

784. The Worker Vice-Chairperson suggested to rephrase “provide the opportunity for migrant” to read “allow migrant fishers”, to delete “at reasonable intervals” and to insert “when required” after the wording “service on board”.
785. During the subsequent discussion, relating to the fishers’ reasons for disembarking and whether “reasonably required” would fit better than “at reasonable intervals”, the Chairperson proposed that the subparagraph should be redrafted to clarify circumstances under which migrant fishers may disembark during their service.
786. It was so agreed.
787. Following further deliberations, the following compromise wording was proposed:
- allow migrant fishers to disembark during their period of service on board, when required to access their identity documents, to terminate their work agreement, to communicate with an organization that can render assistance and to seek repatriation.
788. Subparagraph (g) was approved as amended.
789. Paragraph 55, as a whole, was adopted as amended.

Retention of documents and other possessions**Proposed paragraph 56****Subparagraphs (a) to (c)**

790. Subparagraphs (a) to (c) were approved as proposed.
791. Paragraph 56, as a whole, was adopted as proposed.

Payment**Proposed paragraph 57****Subparagraph (a)**

792. The Employer Vice-Chairperson suggested aligning the text with Article 23 of the Work in Fishing Convention, 2007 (No. 188). He explained that regular monthly payments were not typical in the fishing sector; wages were often settled after trips of varying lengths. Although some advance payments were made, final payments typically followed trip completion. Therefore, the term “monthly” was not practical.
793. Following further discussions, the Worker Vice-Chairperson proposed that the wording “or other regular” would be inserted after the word “monthly”.
794. It was so agreed.
795. Subparagraph (a) was approved as amended.

Subparagraph (b)

796. Subparagraph (b) was approved as proposed.

Subparagraph (c)

- 797.** In view of the agreement reached on subparagraph (a), the Chairperson invited suggestions for alternative wording to address concerns raised regarding the reference to monthly payslips.
- 798.** The Government expert from France supported the inclusion of “regular intervals” in subparagraph (a) but stressed the importance of retaining the term “monthly” for payslips. Monthly payslips served as administrative documents and proof of employment. Even if the actual wages were not paid monthly, it was essential for fishers to receive a monthly payslip.
- 799.** The Worker Vice-Chairperson proposed inserting a reference to a “monthly proof of earnings”.
- 800.** The Employer Vice-Chairperson reiterated his concerns regarding “monthly” payslips, stressing that wages were paid upon trip completion. He questioned how a monthly payslip could accurately reflect earnings in a system based on catch share and variable trip lengths. Implementing such a requirement could require hiring additional personnel on board, making it highly impractical.
- 801.** The Worker Vice-Chairperson acknowledged the operational limitations mentioned and agreed that alternative language should be found to describe the requirement for payslips or proof of earnings to be issued at regular intervals, aligned with wage payments.
- 802.** The Employer Vice-Chairperson outlined a collective bargaining model where payments and payslips followed defined post-trip intervals, facilitating transparency and verification. He expressed support for revising the proposed wording.
- 803.** The Worker Vice-Chairperson proposed to delete the term “proof of earnings” while retaining the wording “other regular intervals” to reflect the discussion.
- 804.** The text of the revised proposal would read:
- ensure that migrant fishers are given a pay slip at monthly or other regular intervals, taking into account Tool 3 (Appendix I), accounting for remuneration due and the amounts paid, including wage and catch share calculations, deductions, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.
- 805.** A further amendment was introduced to align with wording agreed under paragraph 15(e).
- 806.** Subparagraph (c) was approved as amended.
- 807.** Paragraph 57, as a whole, was adopted as amended.

Medical care, OSH, welfare and social protection

Proposed paragraph 58

Subparagraph (a)

- 808.** Subparagraph (a) was approved as proposed.

Subparagraph (b)

- 809.** The Employer Vice-Chairperson proposed to insert “including through telemedical service where applicable” after “while on board”.
- 810.** Subparagraph (b) was approved as amended.

Subparagraph (c)

811. The Government Vice-Chairperson proposed to delete “while landed in a foreign port”, as medical care should be free of charge, regardless of location.
812. The Employer Vice-Chairperson noted that, in a port in their country of origin, migrant fishers would normally have access to national health services. By contrast, in a foreign port, they might not have insurance or access to national health services, which justified retaining the reference to “foreign port”.
813. The Worker Vice-Chairperson stated that the key point was to ensure that medical care was free of charge in any port where the fisher had landed. It fell to the vessel owner to cover the costs.
814. The Chairperson clarified that the text referred to medical treatment related to sickness or injury, and that the employer would be obliged to cover costs for that treatment in both domestic and foreign ports.
815. The Worker Vice-Chairperson reiterated that if treatment in a home port was already free under the national health system, that obligation would be satisfied. What mattered was that the fisher should never have to pay when sick or injured in any port. He further proposed to add “safe and” before the word “timely” and “in an appropriate medical facility” after the wording “timely manner for treatment”.
816. It was agreed that the revised paragraph would read:
- respect the right of migrant fishers, when seriously sick or injured, to medical treatment ashore and to be taken ashore in a safe and timely manner for treatment in an appropriate medical facility, and ensure that medical care provided is free of charge to the migrant fisher.
817. Subparagraph (c) was approved as amended.

Subparagraph (d)

818. Subparagraph (d) was approved as proposed.

Subparagraph (e)

819. The Employer Vice-Chairperson proposed to insert, after “taking into account”, the words “the assigned roles and duties”. He argued that preventive measures should be tailored to specific duties, for example during hoisting operations, where different crew members faced different risks. Moreover, a tailored approach improved safety and acceptance by avoiding overburdening fishers with unnecessary instructions.
820. The Worker Vice-Chairperson and the Government Vice-Chairperson opposed the amendment, stressing that fishing vessel owners had the general responsibility to ensure the safety of all crew and safety procedures applied to all personnel.
821. The Employer Vice-Chairperson withdrew his proposal.
822. An amendment relating to incidents was introduced to align with wording agreed under paragraph 31(a) to also cover situations that did not necessarily result in accidents.
823. Subparagraph (e) was approved as amended.

Subparagraph (f)

824. An amendment was introduced to align with wording agreed under paragraph 13 (h) (ii) and the definition of the term “violence and harassment” set out in paragraph 11.

825. Subparagraph (f) was approved as amended.

Subparagraph (g)

826. An amendment was introduced to align with wording agreed under paragraph 36(d).

827. Subparagraph g was approved as amended.

Subparagraph (h)

828. Subparagraph (h) was approved as proposed.

829. Paragraph 58, as a whole, was adopted as amended.

Training and awareness-raising

Proposed paragraph 59

Chapeau

830. An amendment was introduced to align the chapeau with text agreed under paragraph 52.

831. The chapeau was approved as amended.

Subparagraphs (a) to (c)

832. Subparagraphs (a) to (c) were approved as proposed.

Subparagraph (d)

833. Minor amendments were introduced to align with wording agreed under paragraph 21(c).

834. Subparagraph (d) was approved as amended.

Subparagraph (e)

835. An amendment was introduced to align with wording agreed under paragraph 21(d).

836. Subparagraph (e) was approved as amended.

837. Proposed paragraph 59, as a whole, was adopted as amended.

I. Guidelines for migrant fishers and their representatives

Proposed paragraph 60

Chapeau

838. The Employer Vice-Chairperson proposed to insert after “where they exist”, the following wording: “or with the support of migration services in States where they exist”.

839. It was so agreed.

840. The chapeau was approved as amended.

841. The Worker Vice-Chairperson suggested that the remainder of the paragraph should be redrafted.

842. The Workers’ and the Employers’ groups proposed alternative wording.

843. Following extensive deliberations, it was agreed to replace subparagraph (a) with two new subparagraphs to reflect the various proposals made with regard to information about migrant fishers' rights and obligations. The revised text would read as follows:

- (a) seek information on their rights and their obligations as defined in their fisher's work agreement, and on the contents of these Guidelines, paying particular attention to their right to:
 - freedom to join an organisation of their choosing;
 - collective bargaining;
 - medical care;
 - repatriation;
 - a safe working environment;
 - have a fisher's work agreement in a language the migrant fisher understands;
 - have access to their documents and personal belongings at all times;
 - not pay recruitment fees and related costs. Employers, not migrant fishers, should bear all recruitment-related fees and related costs;
- (b) be aware that, within the sphere of their responsibilities, States of recruitment, States of origin, flag States, fishing vessel owners and labour recruiters each have a responsibility to ensure that migrant fishers receive comprehensive, accessible information about their rights in languages they understand and in formats that account for literacy levels. This should be achieved in cooperation with and with the participation of relevant trade unions, where they exist. The migrant fisher should be aware of the right to seek assistance and advice from other relevant organizations.

844. Paragraph 60, as a whole, was adopted as amended.

Paragraph 60 *bis*

845. Following on from discussions under other sections of the draft guidelines, the Meeting decided to insert a new paragraph to the section on guidance for migrant fishers and their representatives, aimed specifically at migrant fishers themselves. It would cover issues raised in earlier paragraphs (e.g. paragraph 17), including the fishers' responsibility to attend training, return to the vessel at an agreed time, provide honest and truthful information, and make use of any personal protective equipment supplied.

846. It was agreed that a new paragraph would be inserted after paragraph 60, to read as follows:

Migrant fishers should:

- (a) provide honest and accurate personal information in accordance with the requirements of the migration process and their employment;
- (b) perform their duties as stipulated in the fisher's work agreement with integrity and good faith, taking into account the living and working conditions on board;
- (c) attend any required pre-departure or post-arrival training or orientation, as recognized by relevant States;
- (d) be aware, when taking shore leave, that failure to return to the vessel by an agreed time, without a justified reason, may result in termination of the work agreement, and that they may bear personal responsibility for any legal, financial or repatriation costs incurred, in accordance with national laws and regulations;
- (e) make proper use of supplied PPE.

847. Paragraph 60 *bis*, as a whole, was adopted as proposed.

Appendix I. Tools to facilitate the implementation of the Guidelines

Tool 1. Minimum particulars of the fisher's work agreement

848. Tool 1 was adopted as proposed.

Tool 2. Model fisher's work agreement

Section 6 *bis*

849. The Employer Vice-Chairperson proposed to insert, below section 6 in the agreement, a new section entitled "Fisher's nationality".

850. It was so agreed.

Section 8 *bis*

851. The Employer Vice-Chairperson proposed to insert, below section 8, a new section entitled "Fisher's emergency contact (name, relation with the fisher and contact details)" to ensure that consular assistance could be arranged if necessary.

852. It was so agreed.

Section 29. Transfer of fisher to another vessel

853. The Worker Vice-Chairperson proposed new text, to replace the original wording of section 29, which would read:

The fishing vessel owner may, in accordance with national laws and regulations, transfer the fisher from one vessel of the owners' company to another vessel of the same company, subject to the following conditions: the free, written and informed consent of the fisher; employment conditions are equal or better to those on the original vessel; the nature of the work on both vessels is substantially similar; the training received by the fisher matches the types of fishing gear and fishing operations used on the new vessel, in accordance with national laws and regulations; and, other than in exceptional circumstances, any transfers take place in port.

854. The Employer Vice-Chairperson said that transfers must also be possible for safety reasons; in emergency situations, the competent authority must be notified.

855. The Worker Vice-Chairperson proposed to amend their proposal by replacing "exceptional circumstances" with "emergency situations", to address the concerns raised by the Employers' group. He further proposed to include a reference to no transfers being permitted from the fishing vessel to merchant vessel, and to delete the wording "should take place and/or vice versa".

856. Following further deliberations, the Meeting decided to redraft the paragraph to incorporate wording discussed under, and subsequently deleted from, paragraph 33(a)(iv). The compromise text would read:

The fishing vessel owner may, in accordance with national laws and regulations, transfer the fisher from one vessel of the owners' company to another vessel of the same company, subject to the following conditions: the free, written and informed consent of the fisher; employment conditions are equal or better to those on the original vessel; the nature of the work on both vessels is substantially similar; the training received by the fisher matches the types of fishing gear and fishing operations used on the new vessel, in accordance with national laws and regulations; and, other than in exceptional circumstances, such as emergency situations where transfer is necessary for safety and subsequently reported to the competent authority, any transfers take place in port. No transfer from fishing vessel to merchant vessel shall be allowed.

857. It was so agreed.

Section 31. Remuneration

858. The Worker Vice-Chairperson noted that only option A of the three payment options in the draft text provided for payment by bank transfer and proposed that option B should include a reference to how the share of the catch was calculated”.

859. The Employer Vice-Chairperson agreed to the addition of a reference to bank transfers under options B and C and additional wording to enhance transparency with regard to how remuneration was calculated. He noted, however, that in practice, percentages varied as crews received different shares. Any proposed wording would need to reflect that reality.

860. The Government Vice-Chairperson noted that the text in italics after the word “remuneration” already address that issue.

861. The proposed text for options B and C would read:

Option B: Share of the catch

Will be paid by bank transfer at (weekly/monthly/regular) intervals, including how the share of the catch is calculated.

Option C: Combined basis

Will be paid by bank transfer at (weekly/monthly/regular) intervals

862. It was so agreed.

Section 33. Shore leave

863. The section on shore leave was redrafted to reflect wording agreed under paragraphs 35, 55 and 61. The amended section would read as follows:

The fishing vessel owner will allow shore leave to migrant fishers when off duty, upon arrival in port, except when leaving the vessel is prohibited or restricted by relevant authorities of the port State or due to safety or operational reasons. In the event that a fisher fails to return to the fishing vessel without a justified reason, the fishing vessel owner may not be held liable for the cost resulting from this. These costs do not include recruitment fees and related costs, except costs of repatriation. Fishers should be aware when taking shore leave, that failure to return to the vessel by an agreed time without a justified reason may result in termination of the work agreement and that they may bear personal responsibility for any legal, financial or repatriation costs incurred, in accordance with national laws and regulations.

864. It was so agreed.

Section 35. Expatriation and repatriation

865. The Worker Vice-Chairperson proposed to replace, in the section heading and the body of the text, the term “expatriation” with the word “transportation”.

866. It was so agreed.

867. A further minor editorial amendment was introduced.

Section 37. Social security

868. In line with a proposal by the Worker Vice-Chairperson to clarify which State was responsible for ensuring social security coverage, it was agreed that a reference would be inserted to “applicable social security coverage (State of origin/flag State)”.

869. It was so agreed.

Section 43

870. A minor editorial amendment was introduced.

871. It was so agreed.

872. Tool 2, as a whole, was adopted as amended.

Tool 3. Model statement on the payment of remuneration

873. The Worker Vice-Chairperson proposed to insert additional text to several of the boxes in Tool 3. To the box "Fisher's social security number (or equivalent)" he proposed to add the following text: "and applicable social security coverage (State)". To the boxes containing the text "Gross proceeds of the catch" and the "Net proceeds of the catch", respectively, he proposed to add the following wording: "including personal entitlement according to share of catch formula, where applicable". In the box containing the text "Description (wage calculations and/or share calculations, deductions, etc.)", he proposed to amend the text to read: "Description (wage calculations and/or share calculations, including personal entitlement according to share of catch formula where applicable, deductions, etc.)".

874. It was so agreed.

875. Tool 3, as a whole, was adopted as amended.

Tool 4. Model private employment agency agreement

876. In the introductory paragraph, an amendment was introduced to align with wording agreed under paragraph 11.

877. It was so agreed.

Article 2

Proposed paragraph 1

Subparagraph (e)

878. The Worker Vice-Chairperson proposed to introduce subsections referring to social security and/or pension contributions.

879. The Executive Secretary clarified that the relevant text was already included. In order to make it more prominent, it had been reformulated into two bullet points. The proposed text of subparagraph (e) would read:

the maintenance of efficient and accurate personnel records and an efficient and accurate record of payments made to or made about any posted fisher, including:

- (i) social security and/or pension contributions; and
- (ii) the administration of any taxes, and records;

880. It was so agreed.

Subparagraph (h)

881. The Worker Vice-Chairperson proposed to add "Potable water and Wi-Fi are provided free of charge." as a separate sentence at the end of the subparagraph.

- 882.** The Employers Vice-Chairperson suggested that the Wi-Fi coverage might be limited on board and noted that some applications might consume more data than others.
- 883.** The Worker Vice-Chairperson amended their proposal to add “any agreed” before the word “Wi-Fi”. He also clarified that although there already was a reference to beverages in the text, he had been informed that water did not count as a “beverage” and noted that potable water was mentioned in Convention No. 188.
- 884.** It was so agreed.

Article 9

Proposed paragraph 4

- 885.** The Worker Vice-Chairperson proposed to insert “with personal protective equipment (PPE)” after the wording “on board the vessel”.
- 886.** The Employer Vice-Chairperson agreed and suggested adding “when provided, PPE should be used”.
- 887.** The Government Vice-Chairperson agreed to the proposal and requested to further add “appropriately sized” to “personal protective equipment (PPE)”.
- 888.** The Employer Vice-Chairperson mentioned that when talking about appropriately sized equipment, the term “adequate” should also be added, because not every PPE was suitable for a given task, for example working gloves were not suitable for handling hazardous materials.
- 889.** The amended first sentence of the paragraph would thus read: “The principal shall supply the posted fishers on board the vessel with appropriately sized and adequate personal protective equipment (PPE) and customary working clothes.”
- 890.** It was so agreed.
- 891.** Tool 4, as a whole, was adopted as amended.

Tool 5. Example of a possible model recruitment and placement service agreement

Chapeau

- 892.** An amendment was introduced after “fishing vessel owners”, to align with wording agreed under paragraph 11(j): “without becoming a party to the employment relationship which may arise therefrom”.

Article 1

Proposed paragraph 2

- 893.** The Worker Vice-Chairperson proposed to insert “and in compliance with all relevant national and international rules and regulations” after the word “requirements”
- 894.** The Employer Vice-Chairperson requested to further modify that proposal by inserting “applicable” before “international rules and regulations”.
- 895.** It was so agreed.

Article 2

Proposed paragraph 1

Subparagraph (b)

Subsection (iii)

896. The Worker Vice-Chairperson proposed to insert “and/” before the wording “or the STCW-F Convention”.

897. It was so agreed.

Article 6

Proposed paragraph 5

898. The wording “appropriately sized and adequate PPE”, as agreed under Tool 4, was inserted after the words “on board with”.

899. It was so agreed.

900. Tool 5 was adopted as amended.

Tool 6. Register of recruited, placed or posted fishers

901. The Worker Vice-Chairperson proposed to insert a new sentence at the start of the chapeau, to read: “The labour recruiter should keep a register in line with national requirements”.

902. He further suggested, below item (f) in the list, to insert a new item: “next of kin for the purposes of compensation” after the words “profession or vocation”.

903. It was so agreed.

904. The Government Vice-Chairperson proposed a further minor editorial amendment.

905. Tool 6 was adopted as amended.

Tool 7. International legal definition of forced labour and ILO indicators of forced labour

906. Tool 7 was adopted as proposed.

Tool 8. Non-exhaustive reference list of international labour standards most relevant to fair labour market services of migrant fishers

907. The Meeting had agreed, during its deliberations on the status of relevant international standards that, as part of the compromise proposal agreed under paragraphs 8 and 8 *bis*, additional text would be added to Tool 8 (Appendix I) relating to the status of selected instruments. To that end, the Employer Vice-Chairperson asked the Office to identify and add footnotes to instruments on the reference list whose status was not up-to-date (including instruments with interim status, to be revised or other). Instruments identified as requiring such a footnote included the Seafarers’ Pensions Convention, 1946 (No. 71), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Paid Educational Leave Convention (No. 140) and Recommendation (No. 148), 1974, the Termination of Employment Convention (No. 158)^{***} and Recommendation (No. 166), 1982, the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), the

Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), the Communications within the Undertaking Recommendation, 1967 (No. 129) and the Examination of Grievances Recommendation, 1967 (No. 130).

908. It was so agreed.

909. It was further agreed that, for clarification, the following key would be inserted below the list of instruments:

At the adoption of these Guidelines:

- * Status: Instrument to be revised.
- ** Status: Instrument with interim status.
- *** Status: No conclusions.
- **** Status: Request for information.

Attention should be paid to the actual status of these instruments at the time of reference.

910. A further proposal was made to introduce, after the end of the list of Technical Conventions (and related Recommendations) an additional list of non-ILO instruments, including the IMO Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention), 1995 (as amended); and the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, revised edition, 2016, and any other instruments relevant to the fishing sector.

911. In line with its decision to expand the list to include non-ILO instruments, the Meeting also agreed to amend the title of Tool 8 to “Non-exhaustive reference list of international labour standards and other international instruments most relevant to fair labour market services of migrant fishers”.

912. Tool 8 was adopted as amended, subject to editorial changes.

Appendix II. Guidance on data and statistics relating to migrant fishers

Introduction

Proposed paragraph 1

913. The Employer Vice-Chairperson suggested redrafting the first sentence in the paragraph, to read: “Migrant fishers are an important workforce in the global fishing industry”. He also proposed to insert, after “labour conditions” the word “implementing” to replace “enabling”, and to insert, after “policy interventions” the wording “and continued monitoring of these”. Finally, he proposed to replace “lack” with “do not include” after the wording “including migrants, but”, and to delete footnote 1.

914. The Worker Vice-Chairperson disagreed with the proposal to delete the reference to migrant fishers’ vulnerability, stressing that it was important to refer to them as a “vulnerable workforce”.

915. The Government Vice-Chairperson also expressed a preference for the original wording.

916. The Employer Vice-Chairperson explained that while migrant fishers were often vulnerable, they were not inherently so.

917. The Worker Vice-Chairperson reiterated that although some migrant fishers might not be vulnerable, millions were.

- 918.** Following further discussions, the initial proposal, to redraft the first sentence in the paragraph, was rejected. However, the Meeting agreed to adopt the other proposed amendments, including the deletion of footnote 1. The amended text would read:

Migrant fishers are a critical but vulnerable workforce in the global fishing industry. Comprehensive data collection is essential for regulating their labour conditions, and implementing effective policy interventions and continued monitoring of these. The Work in Fishing Convention (No. 188) and Recommendation (No. 199), 2007, establish standards for working conditions applicable to all fishers, including migrants, but do not include specific guidance on the collection of data to support monitoring for informed decision-making and planning. Also, although Convention No. 188 requires that “[e]ach Member shall adopt laws, regulations or other measures concerning ... the reporting and investigation of accidents on board fishing vessels flying its flag”, there is no further requirement that this information be subsequently reported to the ILO or any other body.

- 919.** It was so agreed.
- 920.** Appendix II, as a whole, was adopted as amended.
- 921.** The Guidelines for fair labour market services for migrant fishers, as a whole, were adopted as amended.

► Closure of the meeting

- 922.** The Secretary-General of the Meeting thanked participants for their constructive and efficient discussions, commending their commitment to protecting migrant fishers, who often worked in vulnerable and isolated settings. He emphasized the high quality and substance of the adopted guidelines, a testament to the commitment, hard work and spirit of cooperation of all three groups. He thanked the Chairperson, called out of retirement, for her excellent leadership, expressed his gratitude to the three Vice-Chairpersons for their exemplary stewardship of their respective groups and welcomed the commitment and dedication of the observers. He also thanked the Office team and all support staff. Noting the challenging global context in which the meeting had taken place, marked by growing hostility towards migrants, its outcome sent a positive message of solidarity. He expressed confidence that the Guidelines for fair labour market services for migrant fishers would prove useful in practice and encouraged their speedy implementation.
- 923.** The Employer Vice-Chairperson expressed his heartfelt appreciation to all participants and those involved in organizing the meeting. He had welcomed the opportunity to work with and represent the views of a diverse Employers’ group. He thanked the members of his group, advisers and Secretariat for their engagement and commitment. The hard work put in by all three groups reflected their motivation, commitment and passion for the fishing industry and for finding common ground. It had been a genuine pleasure to work with the Vice-Chairpersons of the Governments’ and Workers’ groups. He thanked the Chairperson for her leadership, patience and collaborative guidance. Thanks were also due to the Office team for their professionalism and work behind the scenes to ensure the meeting ran smoothly. The whole process had been an excellent example of constructive and successful social dialogue.
- 924.** The Worker Vice-Chairperson expressed his appreciation for the constructive and cooperative spirit that has prevailed to bring the guidelines safely into port. It was a significant and positive outcome, and a meaningful step towards internationally agreed fair labour recruitment practices for migrant fishers. Fishing remained one of the most difficult and least regulated industries in

the world, with an unacceptably high risk of exploitation and abuse during the recruitment and employment processes. The new Guidelines for fair labour market services for migrant fishers would help to reaffirm key principles relating to recruitment and information-sharing, as well as effective remedy and representation based on international labour standards. Their implementation would also provide further opportunities to collect information on an almost invisible workforce, by developing registries and collating much-needed statistics. The ILO should continue to promote the ratification and enforcement of [Conventions Nos. 188 and 198](#), as well as [Convention No. 190](#). He mentioned that his group would ensure that the guidelines could translate into practical steps. He thanked the Office, Chairperson and Vice-Chairpersons. He recalled that some of the participants had been his counterparts since 2005, during the initial negotiations of [Convention No. 188](#). He underlined the excellent outcome in the form of guidelines and stressed the essential role of the ILO's sectoral activities, while urging all ILO constituents to actively support the department by providing it with adequate resources to strengthen its unique mechanism, and in particular, given the current ILO review process and upcoming discussions in the Governing Body.

925. The Government Vice-Chairperson said it had been an honour to represent his group. He thanked the Secretary-General, the Office and the interpreters for their tireless efforts to ensure that the meeting ran smoothly. He expressed particular appreciation for the input of the Head of Unit of the Transport and Maritime Sectors and the Executive Secretary during the Government group meetings. He commended his fellow Vice-Chairpersons for their hard work, cooperation, commitment and willingness to achieve compromise for the welfare of fishers. The newly adopted guidelines represented a significant step forward in promoting fair, effective and sustainable labour market services for migrant fishers and providing a clear framework for collaboration among governments, social partners, and fishers, while ensuring lawful and humane recruitment and employment practices. He called for continued, meaningful dialogue, and encouraged all parties to share best practices and support one another.
926. The Government expert from the Philippines expressed his sincere appreciation to the ILO and the social partners. The meeting had been timely and essential. His country was one of the world's largest suppliers of labour in the maritime and fisheries sectors, which contributed significantly to global food systems, blue economy value chains and the livelihoods of coastal communities. Despite their indispensable role, fishers were one of the most vulnerable groups of workers on the international labour market. His Government stood ready to engage in further technical exchanges, piloting initiatives and measures to strengthen regional cooperation frameworks, as the Guidelines moved towards the implementation stage. Ensuring that fishers were treated with dignity, fairness and respect was a shared responsibility.
927. The Government expert from Indonesia thanked the Chairperson for her leadership, steady guidance and wisdom, which had greatly contributed to the constructive and fruitful outcome of the meeting. She commended the Office for the preparation of the draft guidelines, drawn from ILO standards and best practices from different regions. That inclusive approach had ensured that regional experiences were captured while advancing the protection of migrant fishers worldwide. Underlining the importance of technical assistance and international cooperation, she stressed that the implementation of the Guidelines should contribute to enhancing the capacity of maritime and fishing authorities to conduct effective labour inspections in accordance with international standards. It was equally important to strengthen data collection and the exchange of information as a basis for evidence-based policy making. Moreover, given the wide variety of legal regimes governing the employment of migrant fishers, her Government wished to emphasize the critical importance of consular access and protection to ensure that migrant fishers' rights were upheld when dealing with foreign legal systems. She urged all governments

to ensure that consular notifications were sent without delay to the missions of the relevant States of origin. The Guidelines would serve not only to strengthen cooperation among all stakeholders to promote a fair and sustainable fishing industry but also, and above all, to safeguard the dignity and the rights of migrant fishers, and ensure decent work for all.

- 928.** The Chairperson welcomed the spirit of cooperation that had prevailed during the meeting, as well as the enthusiasm and commitment of all participants. She thanked the Office staff for their work, including behind the scenes. She wished all meeting participants a safe journey home and declared the meeting closed.