



Concept Note

Regional Meeting on Work in Fishing: Increased Knowledge Base and Sharing Good Practices for the Protection of Migrant Workers

12nd - 13rd September 2013 in Aston Hotel, Makassar, Indonesia

1. Background and Rationale

In 2010, there were an estimated 54.8 million people engaged in the primary sector of capture of fisheries and aquaculture globally, depending on this work to find a source of income and livelihood and support their dependants (FAO, 2012). The issue of work in fishing brings together several countries in the ASEAN region, for example, Cambodian and Myanmar migrant workers work on Thai vessels fishing in Malaysian and Indonesian waters. Countries outside the ASEAN region are also important partners, for example, Vietnamese workers work on vessels of the Republic of Korea and Taiwan (China), and Bangladeshi workers will soon be allowed to work in the Thai fishing sector. In fact, over 87 per cent of the world's fishers and 73 per cent of the global fleet of fishing vessels come from Asia (FAO, 2012).

Migrant fishers are particularly vulnerable to abuse, even forced labour, for a number of reasons: the nature of the work in fishing means that working hours and periods away from home are long, living and work conditions are tough and there are a number of hazards involved. Fatigue, linked to long hours, has been identified as a serious problem. The rate of accidents and fatalities can be quite high; in fact, in many countries, fishing is the most hazardous occupation (ILO, 2010). Because of severe labour shortages in the sector, migrants from the ASEAN region are sometimes deceived or coerced to work in the sector; there is limited inspection of conditions; and many of those working in the sector are migrants with irregular status – and therefore have limited access to grievance procedures or complaints mechanisms.

The above and other factors call for special considerations for the labour protection of fishers. However, in many countries fishers seem to fall, at least in part, through gaps in the system of laws, regulations and measures that protect other workers which may create a “decent work” deficit. A UNODC issue paper (2011) found that globally there was a lack of governance and rule of law in the fishing industry, particularly in relation to at-sea surveillance of vessel movements and transshipments, transparency of the identity of the beneficial ownership of fishing vessels, a lack of ability or willingness of some flag States to enforce their criminal law jurisdiction; and a lack of international endorsement of existing international regulation of the safety of fishing vessels and working conditions of fishers at sea.

ILO Convention on Work in Fishing (No. 188) was adopted in 2007 with overwhelming support from governments, workers' and employers' organizations around the world. It covers a broad range of issues particular to the fishing industry, including minimum age for work, minimum standards for work agreements (e.g. terms of payment, annual leave, and termination), rest periods, standards for living conditions and food on board, OSH and basic medical care, social

security, etc. The Convention applies to large deep-sea trawlers and small fishing vessels, but because of this wide range of situations certain provisions are flexible. The 2007 Conference also agreed a complementary Work in Fishing Recommendation (No. 199). The Recommendation provides guidance to States on how to implement the provisions of the Convention.

None of the ASEAN states have ratified ILO Convention No. 188 and closer regional cooperation is required in order to strengthen protection for workers. The GMS TRIANGLE project has supported a number of initiatives to protect fishers on Thai vessels, but partners in other countries have identified the need for assistance in this area. With support from the ASEAN TRIANGLE project, a regional workshop will be held to present the international standards on work in fishing, share good practices in the region and around the world, and consider bilateral and multilateral action to enhance protection.

2. Objectives

The overall objectives of this two-day regional workshop are to present the international standards on work in fishing, share national policy and legislative frameworks among ASEAN Member States and States employing ASEAN workers, and sharing of experiences on the protection of migrant workers in this sector in the region and around the world.

More specifically, the objectives are to:

1. Increase understanding of international standards on work in fishing, Convention No. 188 and accompanying Recommendation and share national policy and legislative frameworks
2. Share good practices in labour inspection, group organization (trade union and community organization), complaints mechanism and support services
3. Discuss the protection of migrant workers and reduction of labour exploitation in the industry
4. Increase knowledge base and share data and research on the fishing sector
5. Consider recommendations for ASEAN regional partnerships and bilateral cooperation

Outputs:

- Increased knowledge base and understanding of international standards and measures to protect migrant workers in the fishing sector
- Sharing of experiences, good practices in the industry, data and research on the fishing sector
- Recommendations for ASEAN regional partnerships and bilateral cooperation agreed to by participants

3. Agenda items

- Session 1: Trends in the fishing sector and international standards on work in fishing
- Session 2: National policies and legislation and their enforcement for the protection of migrant fishers during recruitment and employment
- Session 3: Sharing of new research and international developments in relation to the employment of migrant fishers
- Session 4: Protection of migrant fishers during recruitment and employment
- Session 5: Role of trade unions and support services for the protection of migrant fishers pre-departure and during employment

Session 6: Group Work to develop recommendations for ASEAN regional and bilateral cooperation mechanisms

4. Financial Support

Financial support will be provided by the CIDA-funded ASEAN Triangle project.

5. Participants

The meeting participants will consist of Government officials from the Ministry of Labour, the Ministry responsible fishing, national and regional social partners and the ASEAN Secretariat. Resource speakers will consist of Civil Society Organizations, Academics and social partners from outside the region. ILO specialists from the Regional Office for Asia and the Pacific and the Sectoral Activities Department at ILO headquarters will attend.