

Ship to Shore Rights South-East Asia: Regional Programme on labour migration in the fishing sector

Terms of Reference

Researcher: Scoping study on recruitment practices, including skills requirements, related to Filipino migrant fishers for deployment onto foreign-flagged fleets

Background

Ship to Shore Rights South East Asia (SEA) is a multi-country, multi-annual initiative of the European Union (EU) and the United Nations (UN), implemented by the International Labour Organization (ILO) in collaboration with the International Organization for Migration (IOM) and the United Nations Development Programme (UNDP). Its overriding objective is to promote regular and safe labour migration and decent work for all migrant workers in the fishing and seafood processing sectors in South East Asia (see Annex - Project Flyer).

Ship to Shore Rights SEA supports programming in Thailand, Cambodia, Myanmar, Lao People's Democratic Republic, Indonesia, Vietnam and the Philippines, while it promotes multi-country cooperation in the region. The programme delivers technical assistance and will address the specific characteristics of work in the fishing and seafood processing sectors as well as the barriers and risks present in the migration system, which can lead to unsafe migration, decent work deficits, abuse, and trafficking for forced labour.

Ship to Shore Rights SEA engages with current, potential and returnee migrant workers in fishing and seafood processing sectors as well as their families and communities. Furthermore, it targets government authorities; workers' organizations; employers and recruitment agencies; civil society organizations and community-based organizations to achieve three inter-linking specific objectives:

1. Strengthen the legal, policy, and regulatory frameworks related to labour migration and labour standards, focusing on the fishing and seafood processing sectors in South East Asia.
2. Protect labour rights and promote safe and secure working environments for all migrant workers, from recruitment to end of contract.
3. Empower migrant workers, their families, organizations, and communities to promote and exercise their rights.

Assignment objectives, scope and audience

The assignment will provide research support to Ship to Shore Rights SEA to undertake a scoping study of the recruitment practices and requirements for migrant fishers from the Philippines. The assignment will support Ship to Shore Rights SEA programming

and advocacy to promote safe labour migration and skills training of migrant fishers and seafood processing workers.

Assignment background

POEA data shows that migrant fishers come from different parts of the Philippines,¹ although many of them are illegally recruited by manning agencies that are not registered to and licensed by POEA.² During the virtual meeting facilitated by the House of Representative Committee on Overseas Workers on 11 February 2021, POEA Administrator Bernard Olalia shared that there were only 3,235 migrant fishers who were deployed out of 220,468 sea-based workers (or about 1.5 per cent of total) but between 30 and 50 per cent of the employment-related complaints (non-payment of wages, abandonment etc) registered with POEA came from the migrant fishers.³

In addition, during the Ship to Shore Rights SEA project consultation on 5 August 2021, stakeholders were concerned that a substantial number of Filipino fishers that are being recruited through irregular channels outside POEA processes and requirements. One study noted that “many small-scale fishermen are lured to working on fishing vessels overseas with a promise of a better salary” mainly because of their experience at sea. Many of these Filipino migrant fishers have been reported to fall “victim to exploitation both by their employers and recruiters in the Philippines.”⁴

Assignment objectives

The objective of the study is to provide qualitative data on the existing recruitment practices of migrant fishers from Philippines, in particular to document irregular and illegal recruitment practice, and on the gaps in protection for migrant fishers recruited by licensed manning agencies. The study will recommend necessary changes in law and practice to promote fair recruitment of migrant fishers in line with ILO Work in Fishing Convention (No. 188), Private Employment Agency Convention (No. 181). General principles and operational guidelines on fair recruitment, and other international labour standards. In addition, the study will provide review skills and certifications required of Filipino migrant fishers and assess whether these are appropriate for migrant fishers working on international fleets outside of Philippines.

Scope and audience

The primary end users of the assessment will be the ILO, particularly the implementation team of Ship to Shore Rights SEA. Secondary parties who will make use of the report may include tripartite constituents, industry associations and other private sector actors, individuals and organizations interested in recruitment practices,

¹ Asis, Maruja M.B. 2019. Out at Sea, Out of Sight: Filipino, Indonesian and Vietnamese Fishermen on Taiwanese Fishing Vessels. Quezon City: Scalabrini Migration Center.

² Greenpeace Southeast Asia, SBMI, 2019. Seabound: The Journey to Modern Slavery on the High Seas. <https://www.greenpeace.org/static/planet4-southeastasia-stateless/2019/12/c4f6f6b4-greenpeace-seabound-b.pdf>

³ Official Facebook page of House Committee on Overseas Workers Affairs: <https://www.facebook.com/HouseofRepsPH/videos/423992168682098>

⁴ Turgo, N. 2021. A Taste of the Sea: Artisanal Fishing Communities in the Philippines. Cardiff University, Seafarers International Research Center, Cardiff, Wales, UK.

as well as other organizations working on decent work and forced labour in the fishing and seafood supply chain at national and subnational levels.

Research questions:

1. What are the existing legal and regulatory frameworks for the recruitment of Filipino migrant fishers and how is this implemented at national and subnational levels?
2. How are bottlenecks and gaps in the legislative and regulatory frameworks of POEA in the recruitment of Filipino migrant fishers addressed?
3. Are there hotspots of illegal recruitment of local fishers to work on foreign flag vessels?
4. What are the key protection gaps for migrant fishers from Philippines working on foreign-flagged vessels and outside of Philippines' waters?
5. How do skills training and certification programmes affect the level of vulnerabilities of Filipino fishers to illegal recruitment and other forms of exploitation?

Methodology

Subject to discussions between the researcher and the ILO, the methodology used to inform the study is expected to be as follows:

- Desk review: legal, regulatory, academic and policy papers, as well as administrative data and relevant documents from POEA, BFAR, MARINA, TESDA, and national law and policies.
- Interviews with key stakeholders, ILO tripartite constituents, industry associations and Filipino migrant fishers and their communities.
- Conduct fieldwork in possible hotspots in Visayas and Mindanao in order to interview key informants and convene focus group discussions with stakeholders, at subnational level including but not limited to:
 - Government agencies: DOLE, DA-BFAR, PCG, POEA, DOJ-Immigration, DFA, DSWD, DOJ-IACAT
 - Licensed private employment agencies that recruit and place Filipino fishers
 - Prospective and returned migrant fishers, as well as survivors of trafficking
 - Trade unions, particularly those representing migrant fishers
- Conduct phone-based interviews with partner recruiters in port and flag States. These interviews should inform identification of areas for improved coordination.

Ethical guidelines

In relation to interviews and focus group discussions with survivors of trafficking, and prospective and returned migrant fishers, the researcher should adhere to

international best practices for conducting research on vulnerable populations, including the following standards:

1. Ensure that all interviewees understand the purpose of the research and how the findings will be used.
2. Obtain informed consent from interviewees and notify them of their rights to confidentiality.
3. Notify participants that they are free to stop the interview at any time.
4. Conduct the interview in the native/national languages of respondents
5. Be sensitive

Outputs

The main expected outputs from the assessment are as follows:

1. Brief inception report on the proposed approach and a bibliography.
2. Draft report addressing the research questions, written in clear and concise English, including full bibliography and source data.
3. Summary of key findings and recommendations for public communication purposes in clear and concise English.
4. Presentation of key findings and recommendations.
5. The revised final version of report (not more than 30 pages in the required ILO House Style) that fully responds to the comments made by ILO and stakeholders.

Roles and responsibilities

International consultant: An international consultant who has no conflicts of interest will undertake the study and will be responsible for delivering the assignment outputs. The consultant selected will be a research specialist with a degree in law, politics or social science; and at least 3 years of relevant experience on labour migration, forced labour, or international fishing concerns. Previous research experience is required.

Ship to Shore Rights SEA: The Chief Technical Advisor and National Project Coordinator will oversee the assessment and technical inputs and reviews will be provided by the ILO team.

Expressions of interest

Interested individuals are requested to submit the following by 11 March 2022 to shiptoshorerights@ilo.org:

- A brief research proposal, including work plan and estimated workdays
- Financial proposal: indicative day rate and total lump sum in USD including a breakdown of costs.
- Resume/Curriculum vitae
- One sample of relevant research.