



Migration and work in fishing

An outline of international standards, regional trends and good practices

The fishing industry is a large employer of migrant workers and an economically important sector for many countries in Asia and the Pacific. According to the United Nation's Food and Agriculture Organization, 87 per cent of the world's fishers and 73 per cent of its fishing vessels come from Asia and the Pacific.¹ Rapid industrialization of the sector, declining fish stocks, strong competition in the industry, and changes in the composition of the workforce including mass shortages have transformed the nature of fishing work. Fishing crews in Thailand, Taiwan (China), Japan and Republic of Korea are now recruiting migrant workers from Cambodia, Myanmar, Indonesia, the Philippines and Viet Nam.

Commercial fishing is hazardous work characterized by long working hours and strenuous physical activity. Fishers are often excluded from the scope of national labour laws and protection that apply to other workers. Migrant fishers are vulnerable to exploitation and conditions of forced labour due to the isolation of the workplace (which limits freedom of movement and also means that operations take place away from the purview of labour inspections and the enforcement of labour law), the length of time at sea, the nature of transnational operations (meaning that fishing operations may take place across multiple Exclusive Economic Zones (EEZs) often making it unclear which country is responsible for protection and regulation), possibly being in debt to employers or recruiters, and often not being in possession of the correct documentation.²

The ILO has identified work on board fishing vessels as an industry in need of sector-specific international regulation. In 2007 the International Labour Conference adopted the Work in Fishing Convention, 2007 (No. 188) and the Work in Fishing Recommendation, 2007 (No. 199), which revise several existing fisheries-related labour Conventions.



International Labour Organization instruments

The **Work in Fishing Convention, 2007 (No. 188)** and the **Work in Fishing Recommendation, 2007 (No. 199)** set standards to ensure that fishers have decent conditions of work. The standards cover large and small

1 FAO: The state of the world's fisheries and aquaculture (Rome, 2012).

2 ILO: Forced labour and human trafficking in fisheries (Geneva 2013).



Employment practices and working conditions

in the fishing industry in Thailand

Fishing and seafood processing is a US\$7 billion industry in Thailand, and is a sector mainly populated by male migrant workers from Cambodia and Myanmar. Regulating the employment of these migrants has proven complex for authorities, due to the nature of fishing work and in some cases, the clandestine means used to exploit fishers.

In 2013 the ILO GMS TRIANGLE project conducted the first large scale quantitative survey on employment practices and working conditions in Thailand's fishing sector, including an assessment of the prevalence of deceptive and coercive labour practices and access to complaints mechanisms and support services. The study found that 17 per cent of workers surveyed were working against their will and could not leave for a variety of reasons.

The report produced concrete recommendations, several of which have been taken on board by the Thai government, including that the Ministerial Regulation on Sea Fisheries Work be drafted in line with elements of Convention No. 188 and be developed through tripartite consultation; the establishment of Labour Coordination Centres to regularize the role of brokers and to deliver training; the National Fisheries Association of Thailand's (NFAT) development of occupational safety and health training materials and delivery of training for vessel owners, supervisors and crew; and the development and delivery of training materials for labour inspection of fishing vessels.

The report is available at: http://www.ilo.org/asia/whatwedo/publications/WCMS_220596/lang--en/index.htm.

boats, operating in both domestic and international waters. The Convention is not yet widely ratified and has no ratifications in Asia and the Pacific. The Convention:

- Sets the minimum age for work on board fishing boats (16 years old), and requires special protection for young fishers.
- Requires fishing vessels to have a crew list and fishers to have the protection of a signed work agreement, setting out the terms of the work they are performing.
- Addresses how fishers are paid and ensures that they have the means to send money home to their families at no cost.



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- States that fishers are to be given regular periods of rest of sufficient length to ensure safety and health.
- Stipulates that fishers are to receive adequate instruction and training, accidents are to be reported and investigated, medical equipment is to be carried on board, and a risk evaluation shall be conducted.
- Outlines fishers' entitlements to social security, taking into account the principle of equality of treatment irrespective of nationality.
- Entitles fishers to be repatriated when their agreements expire. The cost of repatriation shall be borne by the fishing vessel owner.

The **Global Dialogue Forum for the Promotion of the Work in Fishing Convention (No. 188)**, was held in Geneva in May 2013 to discuss challenges around the implementation of Convention No. 188. The Forum adopted a number of points of consensus, including that flag and port State control inspection of working and living conditions is an essential element of establishing decent working and living conditions for fishers, including migrant workers, and will also contribute to addressing other issues such as illegal, unreported and unregulated fishing, forced labour, human trafficking and child labour.³

International conventions

The **International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F)**, was adopted by the International Maritime Organization (IMO) in 1995 and entered into force in September 2012. The Convention sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 metres in length and above.

³ The points of consensus from the Dialogue are available at: http://www.ilo.org/sector/Resources/recommendations-conclusions-of-sectoral-meetings/WCMS_214603/lang--en/index.htm.

Good practices

The Foundation for AIDS Rights (FAR), a Thai civil society organization, is providing **support services to Cambodian fishers in Rayong** through three drop-in centres. The centres conduct workshops on occupational safety and health and labour rights among migrant communities and workplaces, and provide assistance to those affected by HIV and AIDS.

In Taiwan (China) in May 2013, the **first migrant worker trade union was formed: the Yilan County Fishermen's Trade Union**. The union is composed of Filipino migrant fishers, and has registered with the provincial government's Labor Affairs Department. It aims to strengthen the voice of migrant fishers working in Taiwan (China), and to collectively negotiate with employers on longstanding issues such as excessive working hours and unpaid overtime wages. Following the example of the Yilan Country Fishermen's Trade Union, other migrant worker associations in fishing towns such as Kaohsiung and Pingtung have expressed interest in forming their own trade unions.

Regional instruments

In September 2013 the Indonesian Ministry of Manpower and Transmigration co-hosted with the ILO a Regional Meeting on Work in Fishing, to increase the knowledge base and share good practices for the protection of migrant workers. At the meeting ASEAN member States presented their respective national policies and legislative frameworks and explained how these are enforced to protect migrant fishers during recruitment and employment. The participants concluded the meeting by developing a series of recommendations, including:

- Recruitment procedures and costs for migrant fishers should be regulated, transparent, standardized and simplified.
- Countries should consider developing standard employment contracts or elements of standard contracts, drawing from the Model Fishers' Agreement in Convention No. 188.
- Countries of origin and destination are encouraged to develop bilateral MOUs to cover the training, recruitment, placement, employment, working and living conditions, and repatriation of migrant fishers.