

## Meeting Report

### Regional Meeting on Work in Fishing: Increased Knowledge Base and Sharing Good Practices for the Protection of Migrant Workers 12 – 13 September 2013, Aston Hotel, Makassar, Indonesia

#### Contents

1. Background .....	1
2. Conclusions of the meeting .....	3
3. Workshop proceedings .....	6
3.1. Opening session .....	6
3.2. Session 1 - Trends in the fishing sector and international standards on work in fishing .....	6
3.3. Session 2 - National policies and legislation and their enforcement for the protection of migrant fishers during recruitment and employment.....	9
3.4. Session 3 - Sharing of new research and international developments in relation to the employment of migrant fishers .....	14
3.5. Session 4 - Protection of migrant fishers during recruitment and employment.....	19
3.6. Session 5 - Role of trade unions and support services for the protection of migrant fishers pre-departure and during employment.....	22
3.7. Session 6: Group work .....	25
3.8. Closing session .....	28
4. Annex 1: Agenda .....	30
5. Annex 2: Participant list .....	34

## 1. Background

The global movement to improve the employment, working, and living conditions of migrant workers in the fishing industry has seen significant progress in recent years with the landmark *Agreement between the Social Partners in the European Union's Sea-Fisheries Sector*, adopted on 21 May 2012. Countries in the region are also moving forward, with Indonesia, New Zealand, and the Republic of Korea implementing labour reforms, and Thailand strengthening its regulatory framework to protect migrant workers in its fishing sector.

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). While over half of the world's population resides in countries situated in the Asia-Pacific region (UNESCAP, 2012), the global fishing industry is disproportionately represented in this region, with roughly 87 per cent of the world's fishers and 73 per cent of its fishing vessels coming from major fishing nations such as the Philippines, Indonesia, Japan, and China (FAO, 2012). The demand for fish and fishery products is especially high in Asia where seafood has traditionally been a staple of many diets and is a vital source of protein for those who live in developing countries (Greenberg, 2010; Béné et al., 2007).

The issue of work in fishing brings together several countries in the ASEAN region, for example, Cambodian and Myanmar migrant fishers work on Thai vessels fishing in Malaysian and Indonesian waters. Countries outside the ASEAN region are also important partners, for example, Vietnamese fishers work on vessels registered in the Republic of Korea and Taiwan (China), and Bangladeshi workers will soon be allowed to work in the Thai fishing sector.

The ILO has identified commercial fishing as a particularly hazardous occupation with a relatively high rate of injury and death (ILO, 2013). Working and living conditions on board commercial fishing vessels can be dangerous and unhealthy. Long working hours, limited protection from occupational hazards, and cramped living quarters are not uncommon while treatment from skippers, senior crew members, and fellow fishers varies greatly depending on each individual fishing operation. A 2013 ILO report on employment practices and working conditions in Thailand's fishing sector highlighted the dangerous working conditions on board commercial fishing vessels. In the largest survey to date of Thailand's fishing sector, one in five fishers interviewed reported having had an accident while working that required medical attention from a clinic or hospital (ILO, 2013).

While substantial efforts have been made in recent years by the ILO's tripartite constituents to improve the employment, working, and living conditions of migrant fishers, countries continue to face challenges in protecting migrant workers in their fishing industry. The scope and scale of protection needed can vary depending on the size and type of the migrant worker's fishing vessel, the method of fishing, the duration of their voyages, and the area of their fishing grounds. Close consideration of these differences is required to ensure no migrant fishers are left unprotected.

Other pertinent issues that need to be addressed include unclear employment conditions, a lack of respect for fundamental rights, the absence of a systematic approach to occupational safety and health, and insufficient labour inspection of fishing vessels. Illegal, unreported, and unregulated (IUU) fishing not only undermines fisheries management and conservation, but also enables exploitative labour practices. These challenges highlight the importance and value of ratification and effective implementation of the ILO Work in Fishing Convention, 2007 (No.188) and the need for a concerted effort to improve the working conditions of all fishers, including migrant fishers.

ILO Convention 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, occupational safety and health (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 96th Session of the International Labour Conference, 2007 also agreed on a complementary Work in Fishing Recommendation (Recommendation No. 199), which provides guidance to States on how to implement the provisions of the Convention.

None of the ASEAN states have ratified ILO Convention No. 188 on Work in Fishing and closer regional cooperation is required in order to strengthen protection for workers. The Tripartite Action to Protect the Rights of Migrant Workers in the Greater Mekong Subregion (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 Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE project), a regional workshop was 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.

## **1. Objectives**

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

More specifically, the objectives were to:

1. Increase understanding of international standards on work in fishing, ILO Convention No.188 and its accompanying Recommendation and share national policy and legislative frameworks
2. Share good practices in labour inspection, 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

## 2. Conclusions and Recommendations of the Meeting

### Social and labour issues related to fishers, including migrant fishers

- The fishing sector in the Asia Pacific Region is a major source of employment and household income. It plays an important role in the regional economy and ensuring food security.
- Difficult working and living conditions are common in fishing. It is considered to be among the most hazardous occupations with high levels of risk, involving long and undefined working hours, strenuous activity, dangerous machinery, and the risk of drowning. Countries face different challenges with regard to the regulation of living and working conditions in the sector, particularly for migrant workers. There is a diversity of the fleets in vessel sizes, types, methods of fishing, duration of trips, the areas of fishing grounds. Close consideration of these differences is required to ensure no migrant fishers are left unprotected.
- Migrant fishers require specific protections. Migrants from the ASEAN region are sometimes deceived or coerced to work in the sector and many of those working in the sector are migrants with irregular status. Irregular migrant fishers are more vulnerable to abuse and exploitation aboard vessels.
- ILO fundamental principles and rights at work apply to all workers, including fishers and migrant fishers. Governments in the region should consider international standards on the protection of migrant workers when developing protections for migrant fishers, including, Migration for Employment Convention (Revised), 1949 (No. 97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Private Employment Agencies Convention, 1997 (No. 181), the ILO Multilateral Framework on Labour Migration and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Convention No. 188 establishes minimum working and living standards that fishers should expect and that fishing vessel owners should follow. Its implementation would establish a minimum level of standards for decent work in the fishing sector. Convention No. 188 applies equally to fishers and migrant fishers.
- National policies and legislation to address the protection of migrant fishers, during recruitment and employment are in place in some countries. Some governments have enacted legislation instituting policies of non-discrimination and equal protection for migrant fishers, set minimum standards for migrant fishers through domestic regulations and standard employment contracts, and efforts are being made to verify and authenticate migrant fishers' work agreements.
- In some countries, services to fishers, including migrant fishers, are provided by governments, employers' and workers' organizations, and civil society. They include pre-departure training, vocational training specific to work in fishing, psychosocial support programs, shelters for migrant fishers, 24-hour toll-free protection hotlines, and long-distance healthcare service systems.

## **National policies and legislation, and ratification of international standards**

- It is recognized that review of policies and legislation is required to bridge gaps in legal protection for fishers, including migrant fishers.
- Governments in the ASEAN region should consider undertaking a gap analysis of national laws and regulations to determine the extent to which their laws and regulations and other measures would need to be adjusted or complemented to meet the requirements of the Work in Fishing Convention, 2007 (No. 188) and Work in Fishing Recommendation, 2007 (No. 199).
- Governments in the ASEAN region should consider introducing legislation or regulations tailored to the deployment and protection of migrant fishers.
- There is a need for effective coordination among government, employers' and workers' organizations, as well as inter-ministerial cooperation among national authorities with responsibilities relevant to the protection of fishers and migrant fishers.
- Governments in the ASEAN region are invited to accelerate efforts to ratify and effectively implement Convention No. 188 through tripartite consultation. Employers' and workers' organizations are invited to continue promoting the ratification of Convention No. 188.

## **Recruitment, placement and employment of migrant fishers**

- Potential migrant fishers should have access to information and be aware of the working and living conditions they will face during employment.
- Migrant fishers should have access to channels to migrate legally with proper documentation, including passports, visas, medical certificates.
- Recruitment procedures and costs for migrant fishers should be regulated, transparent, standardized and simplified. Efforts should be made by government, social partners and recruitment agencies to reduce/eliminate recruitment costs charged to migrant fishers. Lessons learnt from the regulation of recruitment of seafarers, as guided by the Maritime Labour Convention, 2006 could be shared and applied.
- All migrant fishers should have an employment contract in their own language that is verified by the sending country prior to departure. The employer should keep a copy of the agreement on board and migrant fishers should receive copies of their work agreement. Countries should consider developing standard employment contracts or elements of standard contracts, drawing from the Model Fishers' Agreement in Convention No. 188.
- Pre-departure orientation and skills training should be delivered to fishers prior to departure, and should include skills required on board, living and working conditions, language, labour rights, immigration rules and support services, including trade union organizing. All migrant fishers should be issued skills certificates prior to departure.
- Governments, after consultation with workers' and employers' organizations, are encouraged to establish guidelines for labour inspection on-shore and inspection of working and living conditions at sea. There is a need for more effective coordination between central

and local authorities in training of those services involved in the inspection of working and living conditions on board. In certain cases, the government can certify recognized organizations-to inspect and certify working and living conditions.

- Countries in the ASEAN region are encouraged to establish tripartite committees to record and investigate complaints made by fishers, including migrant fishers.
- One-stop centres should be established in countries of destination to facilitate registration of fishers, vessel owners and skippers, to handle complaints and to disseminate information.
- Migrant fishers have the right to communicate with their families and relevant authorities.
- There should be a legal requirement for vessel owners and skippers to conduct occupational health and safety risk assessments on a regular basis and report accidents and occupational diseases.

### **Towards bilateral and regional cooperation**

- It is recognised that in addition to national intervention, bilateral and regional cooperation is an important mechanism to more effectively address issues related to the protection of migrant workers. This cooperation can take the form of exchange of information, regional tripartite forums, sharing of good practices, developing bilateral Memoradums of Understanding and regional agreements.
- Countries of origin and destination are encouraged to develop bilateral MOUs to cover the training, recruitment, placement, employment and working and living conditions, and repatriation of migrant fishers. The MOU should allow for cooperation between labour departments and other government competent bodies to handle complaints and inspection services. A joint taskforce or bilateral working group could be set up to discuss matters related to the MOU and regular review meetings could be held.
- Cooperation should be enhanced between relevant existing regional bodies regarding work on fisheries, including between the ASEAN Senior Officials Meeting of Agriculture and Forestry (SOM-AMAF) and Senior Labour Officials' Meeting (SLOM). Southeast Asian Fisheries Development Center (SEAFDEC) can be consulted on the provision of technical support in relation to fishers, and particularly migrant fishers.
- Information should be shared in a number of areas, including on vessel owners that violate fishers' rights (a blacklist of bad employers), on the fishers registered in the fishing industry, crew lists for each fishing vessel, status of fishers at sea, data on migrant fishers, challenges and lessons learnt on the protection of fishers, including migrant fishers.
- Trade unions in countries of origin and destination should expand bilateral cooperation, and explore the possibility of transfer of trade union membership.
- A regional standard for employment contracts should be developed and adopted by ASEAN Member States.
- The media should be involved to raise awareness of important issues affecting migrant fishers in the region.

### 3. Workshop Proceedings

#### 3.1. Opening Session

The Regional Meeting on Work in Fishing was opened by Ms Michiko Miyamoto, Deputy Director, Country Office Jakarta, International Labour Organization, Mr Maruli A. Hasoloan, Secretary to the Directorate General of Placement of Workers (BINAPENTA), the Ministry of Manpower and Transmigration, Indonesia, and Mr Andi Amasaing, Second Assistant to the Governor (Economic and Development Affairs), representing Mr Syahrul Yasin Limpo, the Governor of the South Sulawesi Province.

#### 3.2. Session 1 - Trends in the fishing sector and international standards on work in fishing

Session 1 focused on identifying trends in the fishing sector and how they have impacted working conditions of fishers, as well as introducing the international standards on work in fishing, namely ILO Convention No.188 on Work in Fishing.

The following served as speakers: Mr Bundit Chokesanguan, Information and Training Division Head, SEAFDEC Training Department, Southeast Asian Fisheries Development Centre (SEAFDEC) and Mr Brandt Wagner, Senior Sector Specialist: Shipping; fisheries; inland waterways, Sectoral Activities Branch, International Labour Organization. Ms Roostiawati, Head of Administration of International Cooperation, Ministry of Manpower and Transmigration, Indonesia, served as moderator.

The first speaker, Mr Chokesanguan delivered a presentation titled “Trends in the fishing sector in Asia and their impact on working conditions.” After a brief introduction to SEAFDEC, Mr Chokesanguan turned to trends in fish consumption, production and number of fishing vessels. Developing countries’ share of fish consumption increased from 45 per cent in 1973 to 69 per cent in 1997. Over the same time period, developing countries’ share in global fish production increased from 43 per cent to 73 per cent. Indonesia (570,827), the Philippines (473,400), Viet Nam (128,000), and Malaysia (49,756) have the most flagged vessels in the region, with the majority of these boats under 24 metres in length. The majority of fishers come from Indonesia (5,180,212), Myanmar (3,164,627), Viet Nam (1,550,000) and the Philippines (1,388,173). Methods of fishing include trawl, purse seine, longline and fishlanding – a video was shown to demonstrate each method.

The second speaker Mr Brandt Wagner, Head, Maritime and Transport Unit, Sectoral Activities Department, International Labour Organization, delivered a presentation titled “Overview of the ILO Work in Fishing Convention, 2007 (No. 188)”. The video “Ensuring decent work for fishers: ILO’s Work in Fishing Convention, 2007 (No. 188)” was shown to introduce the Convention. Mr. Wagner’s presentation covered the reasons why ILO Convention No.188 was adopted, the contents of the Convention, how countries are being and can be assisted to ratify and implement the Convention, and, in particular, how the Convention assists migrant fishers.

ILO Convention No. 188 was developed with the participation of representatives of governments, of employers/fishing vessel owners and of workers’ representation organizations. It had been recognized by ILO’s constituents that an international labour standard specific to work on fishing vessels was needed. This was either because often it is not clear what, if any, labour laws apply to fishers, because the relevant laws or regulations do not address the specificities of the sector, or because fishers are simply excluded from certain laws and regulations applicable to other workers. Convention No. 188 consolidates and replaces a number of earlier ILO instruments covering labour conditions in the fishing sector which had become outdated due to changes in the sector, including increased use of migrant labour. The Convention was adopted on 14 June 2007 at the 96th Session of The International Labour Conference by a vote of: 437 for, 2 against and 22 abstentions.

The aim of Convention No. 188 is to provide decent working conditions for all fishers and in all fishing vessels engaged in commercial fishing operations. The Convention will come into force 12

months after ten ratifications by ILO member States (including eight coastal States with coastlines). As of September 2013, four countries have ratified Convention No. 188 (Bosnia and Herzegovina, Argentina, Morocco, and South Africa, with the last two ratifying in 2013). In Europe, the Convention has inspired the drafting of the Agreement between the Social Partners in the European Union's Sea-Fisheries Sector, adopted on 21 May 2012.

Mr Wagner highlighted the following features of ILO Convention No. 188:

- Higher standards and more specific requirements for vessels of 24 metres in length and over, or remaining more than three days at sea, with greater flexibility for smaller vessels operating at sea for shorter periods;
- Flexibility of implementation to account for the diversity of fishing operations and capacities of countries (exclusion possibilities, progressive implementation and substantial equivalence)

He discussed the main provisions of ILO Convention No. 188. In summary these include provisions for: minimum age, medical examination, manning and hours of rest, crew list, fisher's work agreement, repatriation, recruitment and placement, payment of fishers, accommodation and food, medical care, occupational safety and health and accident prevention, social security, work-related sickness, injury or death, and for compliance and enforcement (inspection and registration of vessels by flag States and port States, complaints procedures). He explained how the provisions of the Convention would contribute to addressing problems of migrant fishers and help prevent the worst abuses, including forced labour and trafficking.

The ILO has supported the ratification and implementation of ILO Convention No. 188 through seminars, workshops, tools, meetings and technical cooperation projects. The Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (No. 188) was held in May 2013. A Meeting of Experts on the inspection of working and living conditions on board fishing vessels will be held in 2015. Mr Brandt encouraged ASEAN Member States to move toward ratification of ILO Convention No. 188 by undertaking a gap analysis of national laws and regulations to determine the extent to which their laws and regulations and other measures would need to be adjusted or complemented to meet the requirements of the Work in Fishing Convention 2007 (No. 188) and Recommendation 199. This should be followed by national tripartite consultations with all concerned parties. There is a need to ensure effective coordination and dialogue among national authorities with responsibilities relevant to the protection of fishers and migrant fishers.

#### **Discussion Points:**

**1. Fisher's work agreements:** Mr Wagner explained that the Convention states that member States shall adopt laws, regulations or other measures to require that fishers have the protection of a work agreement. Clear work agreements are essential to establishing and making clear to all parties the duties and obligations of the fishing vessel owner/employer and fisher. Minimum particulars for the agreement are set out in Annex II of the Convention. The work agreement, a copy of which shall be provided to the fisher, is to be kept on board and be available to the fisher. It is the responsibility of the fishing vessel owner to ensure that each fisher has a written fisher's work agreement. Whilst the Convention only states that fishers shall have a work agreement that is comprehensible to them, Mr Wagner suggested that, in the case of migrant fishers, member States could consider requiring the agreement, or at least major elements of the agreement, should also be in the fisher's own language in order to facilitate understanding between the parties concerned. Channels to make complaints, investigate complaints and resolve disputes related to work agreements needed to be made available for migrant fishers.

- 2. Similarities between the Maritime Labour Convention, 2006 (MLC, 2006), and Convention No. 188:** In response to a question about whether the implementation of MLC, 2006, by an ASEAN country could be used to address conditions on board fishing vessels, Mr Wagner explained that the shipping and fishing sectors were different, each with their own challenges and specificities, which is why the ILO's constituents had decided on separate international labour standards for merchant ships (the MLC, 2006) and fishing (Convention No. 188). Nonetheless, there were similarities in terms of the subject areas covered in the provisions of the MLC, 2006, and Convention No. 188. During the consultations and meetings with ILO constituents prior to adoption of the MLC, 2006, it was decided that fishers/fishing vessels would be excluded since the fishing sector required its own standard. He noted, however, that the provisions in the two standards on recruitment and placement of workers are similar in many parts, and both included provisions requiring: that no fees charged to obtain work (no paying for jobs), no blacklisting, and the regulation of private employment agencies. Convention No. 188 provided the broad framework for regulation and inspection of recruitment and placement services, but did not include much detail on these matters. With this in mind, he suggested that detailed provisions on recruitment and placement as found in the Regulation 1.4, Standard A1.4, and Guideline B1.4 of the MLC, 2006, could be examined by competent authorities in ASEAN States to determine if these provisions could be used to develop laws, regulations and compliance and enforcement approaches with respect to fishers. These included requirements that vessel owners must ensure that fishers hired through recruitment and placement services, regardless of the State in which the recruitment and placement service operated, should ensure that the recruitment and placement services meet certain standards. More generally, ASEAN and other States, when implementing Convention No. 188, could benefit greatly from the lessons learned from the MLC, 2006, in particular as concerns coordination of Ministries and agencies with jurisdiction over different matters addressed in the Convention.
- 3. Flexibility mechanisms:** Flexibility mechanisms are integrated into the Convention to allow for the global diversity of fisheries, fishing operations and capacities to implement the Convention. Whilst these mechanisms exist and are an important part of the Convention, the flexibility mechanisms should not be used to exclude a whole group of vessels just because it makes implementation easier. For example, one category of vessels or fisheries should not be excluded from a requirement to have a first aid kit on board, even if addressing other requirements of the Convention for this category of vessels is difficult. Tripartite consultations involving all stakeholders should discuss what Convention provisions can be applied immediately and determine those where the use of the flexibility mechanisms may be required. It should be noted that the Convention is clear on when and where flexibility mechanisms can be used (see Articles 3 and 4).
- 4. Reporting and monitoring implementation of the Convention:** Mr Wagner explained that when ILO member States ratify a Convention, they are then periodically required to submit reports to explain to the ILO how they have implemented the particular Convention in their national laws and regulations. The report forms are approved by the ILO's Governing Body member State reports must conform to these forms. When Convention No. 188 comes into force, those member States that have ratified it will need to report on their actions pursuant to the Article 22 report form corresponding to Convention No. 188. The Article 22 report form for Convention No. 188 has already been developed and can be found on the ILO website at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:51:0::NO:51:P51\\_CONTENT\\_REPOSITORY\\_ID:3087949:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:51:0::NO:51:P51_CONTENT_REPOSITORY_ID:3087949:NO)

**5. Fishers and Illegal, Unreported and Unregulated (IUU):** ASEAN has discussed the issue of IUU at the ASEAN Senior Officials Meeting of Agriculture and Forestry (SOM-AMAF). Indonesia is taking the lead on the Regional Plan of Action to Combat IUU. While discussions on IUU have mostly focused on sustainability of resources and fish, a growing number of people want to include any form of illegal activity, including illegal or poor conditions of work on vessels.

### 3.3. Session 2 - National policies and legislation and their enforcement for the protection of migrant fishers during recruitment and employment

Session 2 introduced the national policies and legislation that are in place in Indonesia, the Philippines and Thailand, and described how these are being enforced to protect migrant fishers during recruitment and employment. The following served as speakers: Mr Guntur Witjaksono, Director of the Placement of Indonesian Overseas Workers, of the Ministry of Manpower and Transmigration, Indonesia; Ms Ofelia B. Domingo, Regional Director, Department of Labor and Employment, Government of the Philippines; and Mrs Piengpahp Withyachumnarnkul, Senior Expert on Foreign Workers System Management, Department of Employment, Ministry of Labour, Government of Thailand. Mr Manuel Imson, Senior Programme Coordinator, ASEAN TRIANGLE Project, ILO Regional Office for Asia and the Pacific, served as moderator.

Mr Witjaksono shared Indonesia's laws and policy that relate to the protection of migrant workers, including migrant fishers. Indonesia has no specific regulation on migrant fishers and their recruitment and protection is regulated in accordance with the general laws and policies that apply to all migrant workers in Indonesia.

Mr Witjaksono referred to Indonesia's Constitution of 1945 which states that every citizen has the right to decent employment; Indonesia's laws that govern the placement and protection of migrant workers, including Law 13/2003 on Manpower, Law 39/2004 on Placement and Protection of Indonesian Overseas Workers, Law 21/2007 on the prevention of Trafficking in Person and Law 37/1999 on International Relations; and made references to Ministerial Decrees on Administrative Punishment/Sanction for Private Recruitment Agency, Standards Requirement of Migrant Boarding facilities, Cost Structure for Placement of Migrant Workers to South Korea, Licensing of Private Recruitment Agency, Insurance for Migrant Workers, and Presidential Decree 64/2011 on Medical and Psychological Check Up for Migrant Workers.

General requirements for Indonesian overseas workers have been put in place:

- minimum of 18 years old, and 21 years old for domestic workers;
- in health condition both physically and mentally;
- minimum education background: junior high school;
- registered at local government office; and
- non-pregnancy condition for female workers.

Regulations are in place to regulate Private Recruitment Agencies, and the following conditions apply:

- that the agency in Indonesia have cooperation with the private recruitment agency in the country of destination;
- that the agency has verified the job offer in the country of destination and that the job order is endorsed by the Representative Office of the Republic of Indonesia;
- that the agency provide vocational training;
- that the agency prepare the employment contract and facilitate all required documents for migrant workers before departure; and

- that the agency make a report of the status of Indonesian overseas workers to Indonesian mission overseas and is responsible for settling migrant workers cases, including repatriation of workers.

To improve the placement and protection of Indonesian overseas workers, Indonesian government has the following programmes:

- providing bank credit schemes for migrant workers in order to finance recruitment and placement fee;
- providing insurance scheme for Indonesian overseas workers;
- appointing labour attaches;
- providing assistance for dispute settlement and legal case handling;
- bilateral agreement with countries of destination; and
- endorsing the development of regional (ASEAN, Colombo Process) and multilateral agreements.

Mr Witjaksono shared some information on stocks and flows of migrant fishers to the Republic of Korea, Taiwan (China) and Japan.

**Table 1. Stocks and flows of Indonesian migrant fishers to key destination countries**

Country	2010	2011	2012	2013
Republic of Korea (EPS) (flow each year)	1 040	703	1 424	---
Taiwan (China) (through PRA (stock))	---	---	---	7 980 (July 2013)
Japan (through training programme)				1 040 (Sep 2013)

Mr Witjaksono highlighted the need for coordinated efforts to protect Indonesian migrant fishers. He recommended a “one-gate licensing” system. Regulation should be coordinated among relevant ministries in Indonesia, for example: Ministry of Manpower and Transmigration (general labour standards, employment contract); Ministry of Marine Affairs and Fisheries (capacity building for fishers, employment contracts); Ministry of Transportation (standards requirement of migrant seafarers), law enforcement (combatting trafficking in persons, labour inspection, port authorities); and mission embassies (diplomacy and crisis management).

The second speaker in Session 2 was Ms Ofelia B. Domingo, Regional Director, Department of Labor and Employment, Government of the Philippines. The Philippines sends its workers to more than 160 countries all over the world. An average of 850,000 workers leave each year and enter various occupations. In 2012, the Philippines had deployed 366,000 sea-based workers. 5,677 or 1.5 per cent are fishermen.

**Table 2. Deployed of Fishermen: 2008-2012**

Year	Number	% Change
2008	1 094	-
2009	1 477	35
2010	1 960	32.7
2011	3 368	71.8
2012	5 677	68.6

Source: Philippine Overseas Employment Administration

Ms Domingo explained the following Philippines National Policies and Legislations in place to protect migrant workers:

1. The Labor Code of the Philippines - Book 1 Chapter II on Regulations of Recruitment and Placement Activities. Defines that illegal recruitment is an offense committed by a non- licensee or non-holder of authority.
2. Executive Order (EO) No. 797: created the Philippine Overseas Employment Administration (POEA), an attached agency of the Department of Labor and Employment that regulates licensed private recruitment agencies. POEA also spearheads the drive against illegal recruitment and serves as a focal point for all inter-agency efforts against illegal recruitment
3. Republic Act No. 10022: An Act amending Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipino Act of 1995. The amendment improves the Standard of Protection and Promotion of the Welfare of Migrant Workers, their Families and Overseas Filipinos in Distress.
4. Republic Act 8042 : This Act defines Illegal Recruitment as: Any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-license or non-holder of authority contemplated under Article 13 (f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: *Provided*, That any such non- licensee or non-holder who, in any manner, offers or promises for a fee employment abroad for two or more persons shall be deemed so engaged in recruitment and placement.

Three (3) requirements need to be met before an agent or representative can lawfully engage in recruitment and placement activity, namely:

1. the person or entity whom the agent represents has a valid licence or holder of authority;
2. the agent or representative has been duly appointed by the licensee or holder of authority; and
3. the agent's appointment was previously authorized by the POEA.

The Philippines addresses illegal recruitment through two approaches: (1) information dissemination and (2) law enforcement and prosecution. Information dissemination includes Pre-Employment Orientation Seminars; Education Campaign Seminars nationwide; dissemination of information and education materials down to the grassroots level (poster, brochures, leaflets, etc.); publication of monthly travel advisories in newspapers, regular press releases to warn the public against illegal recruiters. In terms of law enforcement and prosecution: victims of illegal recruitment are provided with the legal assistance; POEA assists in the prosecution of suspected illegal recruiters including special operations such as surveillance/entrapment of person and entities suspected to be engaged in illegal recruitment activities; and closure of establishments engaging in illegal recruitment; and conducts conferences, seminars and training workshops for law enforcement groups, prosecutors, non-governmental organizations (NGOS) etc.

Ms. Domingo highlighted coordinated efforts or inter-agency linkages in the Philippines:

1. Coordination with government agencies such as the Department of Foreign Affairs (DFA), Overseas Workers Welfare Administration (OWWA), Philippine National Police (PNP)/Criminal Investigation and Detection Group (CIDG), Department of Justice (DOJ), National Prosecution Service (NPS), National Bureau of Investigation (NBI);
2. Coordination with the private sector including media, non-governmental organizations and advocacy groups;
3. Membership in Inter-agency committees such as the Inter-agency Committee on Passport Irregularities (ICPI), National Law Enforcement Coordinating Council (NALECC), Inter-Agency Committee Against Escort Services, Anti-illegal Recruitment Coordinating Councils (AIR-CC), Inter-agency Council Against Trafficking (IACAT);
4. Coordination with local government units,
5. Signing of Memorandum of Agreement/Memorandum of Undertaking with concerned government agencies and other concerned organizations

A reintegration programme is available to all migrant workers, including returned fishers. The components for these programmes include counselling, skills training and assessment, entrepreneurship/micro-enterprise development and rescue and temporary shelter assistance.

The third speaker for this session was Ms Piengpaph Wityachumnarnkul, Department of Employment, Ministry of Labour, Thailand. The Thai Government has introduced several cabinet resolutions applicable to all migrant workers, and two that are specific to fishers:

**1. The Cabinet Resolutions on 9 October 2012:** This resolution appoints Department of Employment to set up Provincial Labour Coordination Center (LCC) for sea fishery worker in seven pilot provinces through coordination among Government, Industry Associations and the NGOs. These centres aim to remove the role of brokers; increase the proportion of migrant fishers with regular status; address shortages in the sector; and provide fishers with information, training and support services. Seven Centres will be established and a committee, led by the Ministry of Labour, formed to oversee the operations of the centre and monitor implementation. It has been proposed that National Fisheries Association of Thailand (NFAT) run these centres and put forward a set of operating procedures for review and approval by government.

**2. The Cabinet Resolutions on 15 January 2013:** This resolution allows irregular migrant workers to have Nationality Verification from the origin country.

**3. The Cabinet Resolutions on 6 August 2013:** This resolution allows irregular migrants in the fishing sector to register with Administration Department.

**4. Minimum Wage:** The minimum wage in Thailand also covers migrant workers (300 Thai baht (THB), approximately US\$10). However, there is no specific regulation on minimum wage for fishers in Thailand.

In addition to the above cabinet resolutions, Thailand has the following regulations relevant to workers working in the fishing sector:

1. Fisheries management legislation: The Fisheries Act, B.E. 2490 (1947); The Thai Vessel Act, B.E. 2481 (1938)
2. Labour protection legislation: The Recruitment and Job-Seekers Protection Act, B.E. 2528 (1985); The Working of Alien Act, B.E. 255 (2008); Labour Protection Act, B.E. 2541 (1998); Anti-Trafficking Act, B.E. 2551 (2008).

The Government of Thailand has worked closely with the ILO to cooperate on:

- Revision of Laws and Regulations.
- Drafting of Guidelines on Good Labour Practices in Thailand's fishing industry. The guidelines serve as a basis for an information and training campaign targeting fishing vessel owners, skippers and crew supervisors. The guidelines cover fundamental principles and rights at work, guidelines on fishers' work agreements, pay, working hours, occupational health and safety, etc.
- Training Modules for Labour Inspection in Risk Sectors (Domestic Worker, Fishery, Construction, Agriculture).
- Training Modules to improve Occupation Safety and Health in the Fishing Sector.

#### **Discussion Questions:**

**1. Monitoring implementation of laws and regulations:** Each government representative admitted that the monitoring of the working condition in the fishing sectors is difficult. All speakers agreed on the need for coordination among relevant government institutions such as police, navy port authority etc. In the Philippines there has been only one case of a private recruitment agency being convicted of illegally recruiting a migrant fisher. In the Philippines, the Fishing Industry and Allied Services Tripartite Council Resolution No. 1 established a Fishing Industry Voluntary Code of Good Practices to enhance enterprise level bipartite dialogue and provide the industry with a venue to discuss issues.

**2. Bilateral cooperation:** Mr Wagner, ILO Specialist, asked what the countries of origin would like in terms of support, policies, regulations, from countries of destination. Indonesia replied that they would like more MoUs set up between governments; implementation of these MoUs would involve setting up joint task forces, with involvement relevant stakeholders from Indonesia and the country of destination. The Philippines suggested greater cooperation on illegal migrant workers.

**3. Minimum wage:** Indonesia and Thailand explained that no regulation on minimum wage for fishers exist as yet.

**4. Fishing sector specific regulations:** All speakers agreed that specific regulations on fishing and protection of workers are required, but that they are not yet in place.

**5. Labour inspection:** Indonesia, who has developed a local system of labour inspection, was asked who is inspecting the boats. The speaker explained that Indonesia has ratified ILO Labour Inspection Convention, 1947 (No. 81) and that a Presidential Decree has been issued to improve relationships between local and central level labour inspectors. However, there is very limited labour inspection of vessels, though the Ministry of Fisheries has special inspectors for the fishing sector. The Ministry of Transport has authority over ports and their inspectors conduct checks on vessels.

**6. Overtime pay for fishers:** For Filipino workers, overtime pay is covered under their employment contract, which is processed through the POEA.

**7. Coordination Centres:** NFAT highlighted that in Thailand the Cabinet Resolution of August 6 focuses only on registration of migrant workers and suggested that vessel owners should be legally obligated to draw up and submit crew lists.

### 3.4. Session 3 - Sharing of new research and international developments in relation to the employment of migrant fishers

Two new research studies and good employment practices from the European Union were presented during Session 3. The following served as Speakers at Session 1: Mr Max Tunon, Senior Programme Officer/Project Coordinator, GMS TRIANGLE Project, International Labour Organization; Andy Shen, Legal and Research Consultant, ILO ASEAN TRIANGLE Project, and Mr Pablo Manuel Xandri Royo, International Fisheries Consultant. Mr Brandt Wagner, Senior Sector Specialist: Shipping; fisheries; inland waterways, Sectoral Activities Branch, International Labour Organization served as moderator.

The first speaker, Mr Max Tunon delivered a presentation titled “Employment and working conditions in Thailand’s commercial fishing sector”<sup>1</sup> that outlined a quantitative study of the recruitment, employment and working conditions of fishers in Thailand that was recently completed by the ILO and the Asian Research Centre for Migration, Institute of Asian Studies, Chulalongkorn University. The study surveyed 596 fishers from Myanmar, Cambodia and Thailand, the majority of whom were short-haul fishers. Mr Tunon presented the main findings of the study, including findings on deceptive and coercive labour practices, working conditions, complaints and support services, and recommendations. The study’s findings indicate inadequate protection available to fishers, and in particular to migrant fishers.

Regarding deceptive and coercive labour practices, the study found that 32 respondents (5.4 per cent) were deceived or coerced to work in fishing. This was more prominent among long-haul fishers. The majority entered through voluntary arrangements with brokers who charged for their transfer and placement. A quarter of those were having wages deducted while many reported they had to pay fees upfront, securing a loan from their employer, broker or family. Only 3.9 per cent of respondents had signed a labour contract. The majority worked undefined working hours (41.1 per cent) and a quarter worked 17-24 hours (25.8 per cent) while at sea. The mean wage received by respondents was THB6 483. This is on par with migrant workers’ earnings in other sectors of the Thai labour market. The majority of workers (63.4 per cent) are paid on a monthly basis. Forty-two per cent of workers were subjected to wage deductions; however 40 per cent of these respondents were not aware of why the deductions were being made. Twenty-one per cent of respondents had experienced on-the-job accidents requiring medical attention.

Approximately 16.9 per cent of fishers surveyed said they were unable to leave their work for threat of financial penalty (12 per cent), threat of violence or threat of denunciation to the authorities (4.9 per cent). Conditions of forced labour were more prevalent on long-haul fishing boats. 24 survey respondents indicated they had been sold or transferred to another boat against their will. The threat of violence on board is real, with 10.1 per cent of respondents reporting they had been severely beaten while on board (though not necessarily with their current employer).

Regarding complaints mechanisms, the majority of respondents (94.8 per cent) had never made a complaint. Of those who had made a complaint, 14 complained to their employer, ten to an NGO and three to authorities. Of those who had not complained, 21.3 per cent said the reason was that

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<sup>1</sup> A copy of the report was distributed to all participants and is available at:  
[http://www.ilo.org/asia/whatwedo/publications/WCMS\\_220596/lang--en/index.htm](http://www.ilo.org/asia/whatwedo/publications/WCMS_220596/lang--en/index.htm)

they feared retribution for raising complaints, were sceptical about the authorities' ability to respond or were unaware of how to make a complaint.

Mr Tunon concluded his presentation by outlining the recommendations of the study:

- The Thai Government should draw on the standards in the ILO Convention on Work in Fishing, 2007 (No. 188) to review Ministerial Regulation No.10 on Sea Fisheries Work. This should include consultation with representative employers' and workers' organizations and relevant government departments. Regulations should include measures regarding regularity of pay, minimum rest hours, crew lists, and written contracts.
- Labour inspection: establish guidelines for inspection on-shore and at sea; conduct regular labour inspection that include a review of work agreements, pay slips, crew lists, documents of young workers, conditions of accommodation, OSH etc.
- Labour Coordination Centres: Explore the possibility of fishers registering as fishing sector workers, rather than with an individual employer; regulate the role of brokers in registration and regularization of migrant fishers; deliver Good Labour Practice training programme to vessel owners and fishers; build relations with migrant fishers so that they see the benefit of the LCCs – for registration, training and complaints.
- Occupational Safety and Health: Conduct an assessment to determine the type of work on board a fishing vessel that is likely to jeopardize the health and safety of workers under 18 years of age; consult with employers and workers on the application of the Occupational Safety, Health and Environment Act to the fishing sector; and conduct training, assessments and inspections accordingly.
- Cooperation with other countries: Cooperate with countries of origin to provide fishing-specific information and training prior to departure; cooperate with countries in whose waters Thai vessels are fishing, including sharing information on crew lists, joint inspections, and guidelines for the rescue and repatriation of trafficked or stranded fishers.

Mr Andy Shen, Legal and Research Consultant, ILO ASEAN TRIANGLE Project, delivered a presentation titled "Comparative study of national policies, recruitment channels, and support services in four countries: Cambodia, Indonesia, Philippines and Viet Nam" which outlined the research approach, rationale, and key findings of a desk-based study completed during March – July 2013. The study covered policies for protection of migrant fishers in countries of origin and Taiwan (China), recruitment channels to Taiwan's (China) fishing industry (coastal/offshore and distant water fishing), and support services for migrant fishers in countries of origin and Taiwan (China), and identified good practices and gaps in each of the topics.

In terms of good practices and gaps in protection among the Four Countries of Origin & Taiwan (China), Mr Shen presented the following results:

<b>Table 3. good practices and gaps in protection among the Four Countries of Origin &amp; Taiwan (China)</b>		
<b>Good Practices</b>		
<b>Countries of Origin</b>	<b>Destination Country</b>	<b>Bilateral Cooperation</b>
<ul style="list-style-type: none"> <li>• Joint and Solidary Liability (Philippines)</li> <li>• Standard Employment Contracts (Philippines and Indonesia)</li> <li>• Minimum standards for all migrant fishers (Viet</li> </ul>	<ul style="list-style-type: none"> <li>• Policies of non-discrimination and equal protection reflected in legislation; this includes Taiwan's (China) Labor Standards Act and its amendment of its Trade Union Act to fully respect migrant workers' right to</li> </ul>	Establishment of a Joint Working Group with regular annual meetings (Indonesia – Taiwan (China))

Nam)	Freedom of Association (migrant fishers permitted to form their own TUs or take up leadership positions in local TUs) (Taiwan (China))	
<b>Gaps in Protection:</b>		
<ul style="list-style-type: none"> <li>• Protection for irregular migrant fishers (Indonesia, Viet Nam, Taiwan (China))</li> <li>• Uniform or similar regulations in both countries of origin and destination countries (Viet Nam – Taiwan (China))</li> <li>• Laws and regulations that are specifically aimed at protecting migrant fishers through all stages of the migration cycle (Cambodia)</li> <li>• Same standards for migrant workers in coastal/offshore fishing sector and distant water fishing sector (Taiwan (China))</li> </ul>		

Mr Shen's study found the following good practices and gaps in the recruitment of migrant fishers to Taiwan (China):

**Good Practices:**

- Standard Employment Contracts for migrant fishers (Philippines, Indonesia, Viet Nam)
- Foreign Workers' Affidavits (Philippines, Indonesia, Taiwan (China))
- Destination country requiring RAs in countries of origin to comply with their regulations on recruitment (Taiwan (China))
- Country of origin governments verifying and authenticating migrant fishers' contracts (Indonesia and Philippines)

**Gaps in Protection:**

- Copies of important documents such as Foreign Workers' Affidavits are not always given to migrant fishers
- Direct Hiring programmes intended to increase the earnings of migrant fishers may not actually do so when the services fees charged by RAs in destination countries are not eliminated (Taiwan (China))
- Standard employment contracts that do not clearly specify working hours and overtime wages (Viet Nam)
- Lack of standard employment contract for migrant fishers (Cambodia)

Finally, regarding support services for migrant fishers, the study found the following good practices and gaps:

<b>Table 4. Good practices and gaps in support services for migrant fishers</b>	
<b>Good practices:</b>	
<b>Countries of Origin</b>	<b>Countries of Destination</b>
<ul style="list-style-type: none"> <li>• Pre-departure consultation services</li> <li>• Vocational training specific to work in fishing, foreign language instruction, and a certification program (Viet Nam)</li> <li>• Government support services at a special airport terminal for returnees (Indonesia)</li> <li>• Government-run psychosocial support program for returnees and their families</li> </ul>	<ul style="list-style-type: none"> <li>• Foreign Workers Service Stations (Taiwan (China)) situated at the two largest airports in Taiwan (China) provide migrant workers with information about the relevant labour laws and regulations that pertain to them.</li> <li>• Foreign Workers Consultation Service Centres (Taiwan (China))- These service centres provide consultation services,</li> </ul>

<p>(Philippines)</p> <ul style="list-style-type: none"> <li>Both NGO and government shelters for male migrant workers, including migrant fishers, in countries of origin (Cambodia)</li> </ul>	<p>information about the pertinent labour laws and regulations of Taiwan (China), guidance on living in Taiwan (China), and advice about adapting to the worker's new environment</p> <ul style="list-style-type: none"> <li>Foreign Workers 24-Hour Toll-Free Consulting and Protection Hot Line (Taiwan (China))</li> <li>Local NGOs in destination countries employing staff who speak the native languages of migrant fishers (Taiwan (China))</li> <li>Long-distance healthcare service system with local hospitals in destination countries to provide the necessary medical services to migrant fishers working on distant water fishing vessels (Taiwan (China))</li> </ul>
<p><b>Gaps in protection:</b></p>	
<ul style="list-style-type: none"> <li>Lack of support services that meet the specific needs of migrant fishers (Philippines, Indonesia, Viet Nam, Cambodia)</li> <li>Lack of specialized migrant fisher support service centres in destination countries that are easily accessible from the ports where fishing vessels are docked (Taiwan (China))</li> <li>24-Hour Hotline numbers in destination countries may be ineffective if calls made during non-business hours are not answered in a timely fashion, and if the local support staff operating the Hotline do not speak the dialect of the migrant worker calling (Taiwan (China))</li> <li>Psychosocial services are less accessible for migrant fishers in Taiwan (China) and more difficult to effectively provide due to the language barriers between the fishers and the local hospital staff (Taiwan (China))</li> <li>Local legal aid organizations in destination countries need lawyers specializing in migrant worker cases, and migrant fisher cases in particular (Taiwan (China))</li> </ul>	

Mr Shen's study will be published by the ASEAN TRIANGLE Project and made available at a later date.

The final speaker, Mr Pablo Manuel Xandri Royo, International Fisheries Consultant, delivered a presentation titled "Good Employment Practices in the Spanish Fishing Sector, Framework and Examples", covering an overview of the Spanish fishing sector, good employment practices, the regulatory framework and regional cooperation mechanisms for the protection of fishers in Europe. The Spanish fishing industry makes up approximately 1.2-1.5 per cent of its GDP and provides 74,262 jobs on 13,398 vessels, of which 260 fish in international waters.

Mr Royo highlighted five good employment practices:

(1) The Fishing and Shellfishing Foundation (Fundamar) is the first foundation in the European fishing sector which has equal representation of employers' organizations and trade unions in its governance and control bodies. There is bipartite social dialogue to develop the fishing sector to address issues such as: access to employment, risk prevention, safety and health at work, maritime training, among others. Activities include studies and publications, promoting research and development, promoting specialised training in new technologies, providing training to all workers, achieving full employment of women in the sector, and collaborating with national and international organizations.

(2) Prevention services for fishing enterprises and shipping companies (SPM-COAPRE), which seek to improve living and working conditions on board ships to reduce accident rates and increase well-being in the workplace.

(3) Labour collective agreements by ANAMAR (Spanish association of freezer ship-owners) for seafood fishing were introduced in 1996 after five years of negotiation and social dialogue. Agreements apply to the Spanish fleet as well as joint ventures set up with capital from ANAMAR members.

(4) Telemedicine at sea: COMITAS technology allows medical assistance to be given to patients located anywhere in the world, including on fishing boats, in real time and with the standard of general medical practice. This is achieved through videoconferencing, transmission of still images, e-health including patient portals, remote monitoring of vital signs, continuing medical education and nursing call centres.

(5) Segumar is a pilot labour inspection campaign run by the Directorate General of Merchant Marine, the labour inspection department and the Social Marine Institute in Spain. Inspections are carried out by teams of labour inspectors, one doctor and one inspector of ships. Since 2006, 1,850 fishing vessel audits have been carried out.

Mr Royo turned to his third point, regional developments on the protection of migrant fishers in the EU. Since 2001, fishing partnership agreements between European companies and third countries have had to include a social clause, which require the fundamental ILO Conventions to be applied (freedom of association, right to collective bargaining, elimination of all forms of forced or compulsory labour). The International Transport Workers' Federation (ITF) has stated that despite this clause, many fishers are still underpaid on European vessels. For example, the ITF claims in Madagascar fishers should be receiving US\$945.00 a month. But they are actually being paid just \$530, a shortfall of more than \$400, and equivalent to just \$5 an hour in real terms.<sup>2</sup>

The *Agreement between the Social Partners in the European Union's Sea-Fisheries Sector* (SPA) was adopted on 21 May 2012 between the workers' organization (International Transport Workers Federation) and employers' representatives Europeche and Cogeca. The agreement aims to ensure that fishermen have decent working conditions on board fishing vessels with regard to minimum requirements for conditions of service, accommodation and food, occupational safety and health protection, medical care, and social security. This agreement implements the International Labour Organisation (ILO) Convention on "Work in the fishing sector" at EU level. Through the adoption of the SPA, the European social partners are encouraging EU Member States to ratify the Convention.

#### **Discussion Points:**

As there was limited time for questions, the chair made the following observations: The ILO study into the employment practices and working conditions in Thailand's fishing industry is an important study as it is based on a quantitative study and survey of 600 fishers. Mr Shen's study highlighted the different protections provided to workers in coastal fishing and those in offshore/deep sea fishing. His study adds to the knowledge base on protection of migrant fishers as it sets out good practices already in place as well as identifying gaps in protection, recruitment and services.

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<sup>2</sup> <http://www.itfglobal.org/transport-international/ti38fishers.cfm>

### 3.5. Session 4 - Protection of migrant fishers during recruitment and employment

Session 4 discussed the protection of migrant fishers during their recruitment and employment from the perspective of recruitment agencies, industry associations and labour inspection. The following served as speakers: Mr Le Thanh Ha, Vietnam Fishing Committee, Vietnam Association of Manpower Supply (VAMAS), Viet Nam; Mr Kamolsak Lertpaiboon, Secretary, National Fisheries Association of Thailand; and Mr Peter Hurst, Consultant and Occupational Health and Safety Specialist. Mr Nazrul Fadhlee Mahmud Zuhodi of the Malaysian Employers’ Federation served as moderator.

Mr Le Thanh Ha gave a presentation titled “Protection for migrant fishers during recruitment & employment.” VAMAS was established in 2004 to facilitate cooperation amongst recruitment agencies, managers, and national and international organizations. To protect the rights of migrant workers, VAMAS promotes awareness amongst its members and has developed a Code of Conduct. The Fishing Committee was set up in 2009 to bring together 14 private recruitment agencies (PRA) that are recruiting fishers.

Viet Nam has been sending fishers to the Republic of Korea since 1992. The contract period for working in the Republic of Korea is two years, extendable for six months. Each year approximately 2,000 fishers are sent abroad by 7 PRAs. Workers have been sent to Japan since 1998. However, the numbers of fishers are limited and the labor contract is only for one year. Every year, about 300–400 fishers are required by Japanese fishing vessel owners. Some 14,500 workers have been sent to Taiwan (China) since 2005. The employment contract is signed for three years, extendable by two years. Many workers in Taiwan (China) work in off-shore fishing and enter the ports of many countries. These boats rarely dock – caught seafood is loaded onto a carrier, which returns to the ports while the crews continue fishing. Working conditions tend to be better in near-shore fishing in terms of higher wages, regular payments, and shorter terms at sea.

Employment service contracts are signed between the foreign brokerage firm and the Vietnamese PRA after which they are reviewed by Department of Overseas Labour (DOLAB). Once approved, the PRA can directly recruit the worker, conduct health check, skills training and other preparations before departure. The PRA will coordinate with the foreign brokerage firm in case of disputes. The Vietnamese PRA will obtain fishers’ insurance to cover accidents and pay the fishers’ salary to their family.

Mr Le Thanh Ha explained that there are many challenges faced by different stakeholders:

<b>Table 5. Challenges faced by stakeholders during the recruitment and employment of migrant fishers</b>		
Ship owners:	Foreign brokerage firm:	Vietnam PRA:

<ul style="list-style-type: none"> <li>• The main skills gap for Vietnamese fishers is language</li> <li>• Vessels and the equipment may be old</li> <li>• Claims of abuse on board</li> <li>• IUU fishing, leading to the ship owner abandoning the ship and crew</li> <li>• Piracy</li> <li>• Early termination of employment contracts</li> <li>• Non-payment of wages due to ship-owner claiming bankruptcy</li> </ul>	<ul style="list-style-type: none"> <li>• Financial capacity of the ship owner to pay wages/insurances/fees, etc. is not verified before a contract is signed</li> <li>• Lack of dispute settlement channels on board, and foreign brokerage firm is made responsible for debts of the ship owner</li> <li>• Late payment to Vietnam PRA (e.g. salary)</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of or inadequate skills training and health screening</li> <li>• Cannot assist with dispute resolution if the ship is in international waters or in a country where Viet Nam does not have diplomatic relationships</li> </ul>
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In order to address these challenges, the VAMAS Fishing Committee organizes meetings between the Vietnam Association of Fishing Vessels and Foreign Fishing Vessels Association to agree on the standard employment contract, which incorporates, salary levels, consequences for breach of contract, among others. VAMAS also requires PRAs in Vietnam to have crew training center for language training, vocational education and training for crews, and health screening.

Recruitment agencies are addressing the issues mentioned by:

- carefully selecting workers, conducting health screenings, assessing skills;
- blacklisting of workers who have previously breached their contract, or those who have family relatives that are working illegally;<sup>3</sup>
- not signing a contract with the foreign brokerage firms that have previously failed to comply with the contracts that were signed;
- assigning new crew on to boats with experienced workers from Viet Nam to reduce language barriers; and
- request the skipper to provide information on the crew on a monthly basis.

The second speaker, Mr Kamolsak Lertpaiboon, Secretary, National Fisheries Association of Thailand (NFAT), discussed the protection offered to migrant fishers during their employment in Thailand. NFAT, established in 1964, consists of 51 fishery organizations and was established to handle disputes brought up by fishers, to represent fishers across the country and to ensure grievances are addressed by authorities in a fair and transparent manner. NFAT has collaborated with the ILO on four important pieces of work to improve the protection of migrant fishers:

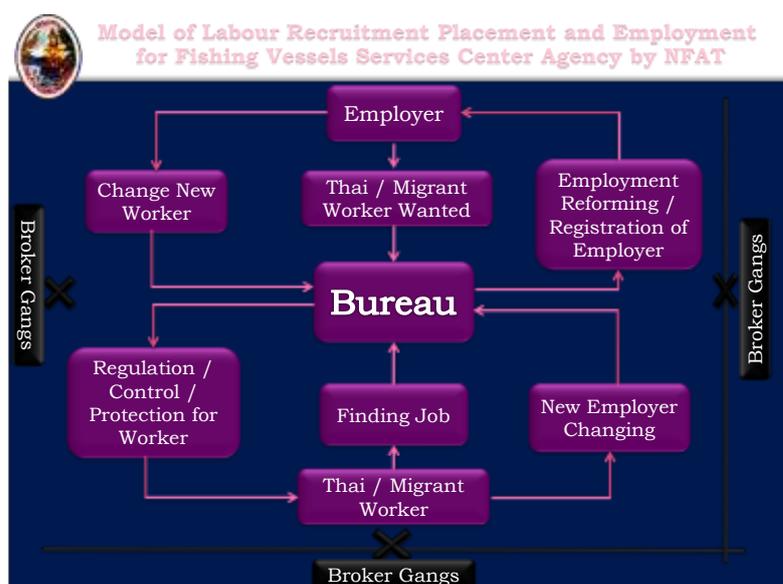
1. Code of Conduct for Employers on protection of all workers, including migrant works in the fishing sector. This CoC aims to ensure greater protection of fishers through the application of relevant Thai laws and international standards. Application of the code is voluntary.
2. Study good practices in recruitment, employment and protection of migrant workers in the fishing sector.
3. Occupational Safety and Health (OSH) training tools are being developed in collaboration with Department of Labour Protection and Welfare, and the OSH Bureau.

<sup>3</sup> It should be noted that Article 22.3 of ILO Convention No.188 states: 3. Each Member shall, by means of laws, regulations or other measures: (a) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work;

#### 4. Labour Coordination Centres.<sup>4</sup>

Mr Kamolsak Lertpaiboon presented a model of labour recruitment placement and employment for fishing vessels, which proposes the removal of the role of brokers in the recruitment process by establishing a Bureau. The worker is able to approach the bureau to find a new job or change their employer. Employers can use the bureau's services to recruit workers. Employers will be registered at the bureau and the bureau will oversee the protection of fishers, including migrant fishers.

**Figure 1. Model of labour recruitment placement and employment in the fishing industry**



Mr. Peter Hurst, Consultant and Occupational Health and Safety Specialist, delivered a presentation titled "Occupational health and safety in the fishing sector and labour inspection of fishing vessels". Mr Hurst noted that sea fishing is one of the four most dangerous occupations in the world. Fatal accident rates in the USA and Canada are not falling, and one in 20 fishers from the UK risks being killed at work. In terms of OSH for fishers, two aspects need to be monitored: (1) fishing vessel safety; and (2) working and living conditions for crew. Vessel safety refers to the design and construction of the vessel, seaworthiness, stability, fire prevention on board, and power of the vessel. For this aspect, the Food and Agricultural Organization and the International Maritime Organization are the lead agencies. ILO Convention No. 188 Article 31 calls on governments to:

*"adopt laws, regulations or other measures concerning: (a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;"*

Article 32 outlines the duties of vessel owners to:

*"establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned;"*

<sup>4</sup> These have been described in Session 2.

External factors that affect health and safety on board include: bad weather, extreme temperatures, sun exposure, and vessel collisions. Fatalities in the sector are predominantly caused by drowning. Accidents can occur due to the heavy and physical nature of the work, slips, trips and falls, and machinery (winches, hoists). Skin disease and skin infection are very common. Accommodation is mostly poor; there is often a lack of clean drinking water and washing and toilet facilities, and there is risk of contagious diseases and unhygienic food preparation. Most vessels carry no safety equipment or it is in a poor state. Internal lighting is often inadequate and can increase the risk of accidents.

Fatigue can lead to ill health and increase the risk of accident. The ILO Convention 188 Article 14 for example stipulated that skippers have the right to determine hours of work but need to take into account fatigue, and unsocial work hours. Minimum hours of rest shall not be less than: (i) ten hours in any 24-hour period; and (ii) 77 hours in any seven-day period.

All boats should have one person on board who has been trained in first aid and medical care and the vessel should carry appropriate medical equipment and supplies. It is good practice to have equipment to access medical advice via radio or satellite transmission.

To address (hazardous) child labour ILO Convention No. 188 stipulates that a person must be 16 years of age to work as a fisher, though a minimum age of 15 years may be set in some instances.

In order to address OSH concerns workplace risk evaluations or assessments should be carried out, followed by safety improvements, training and on board training. Labour inspection is required as per Article 42 of the ILO Convention No. 188. Vessels that remain at sea over three days, are greater than 24 metres in length and travel more than 200 nautical miles from coastlines must carry a valid document issued by the competent authority stating that the vessel has been inspected by the competent authority or on its behalf, for compliance with the provisions of this Convention concerning living and working conditions (Article 41). In reality, few labour inspections are carried out. Good coordination at national level is required as labour inspection may be the responsibility of different ministries (labour, maritime, fishing, navy etc.).

Mr Hurst ended with the following conclusions:

- Fishing associations have a key role in improving the working and living conditions on board.
- Interventions are required so that vessels owners and skippers can make improvements to health and safety on board.
- The role of trade unions needs to be strengthened.

### **3.6. Session 5 - Role of trade unions and support services for the protection of migrant fishers pre-departure and during employment**

Session 5 focused on the role of trade unions to protect migrant fishers in countries of origin and support services available to migrant fishers in countries of destination. The following served as speakers: Mr Suchat Junthalakkhana, Stella Maris Seafarers Center Songkhla, and Mr Hanafi Rustandi - Chairperson of Kesatuan Pelaut Indonesia (KPI), Chairperson of ITF Asia-Pacific Region. Mr Arturo Barrit, Director, Education and Information Department, Associated Labour Unions-Trade Union Congress of the Philippines (TUCP/PSU) served as moderator.

Mr Rustandi introduced his session by showing a video<sup>5</sup> produced by the ITF of the situation of fishers from Myanmar working on Thai boats operating in Thai and Indonesian waters. Approximately 700-1 200 undocumented fishers of Myanmar are stranded in Indonesia after fleeing

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<sup>5</sup> The video is available online at: <http://www.youtube.com/watch?v=IHEWi0ukY1U>

from Thai fishing boats where they had been employed illegally and faced situations of abuse. KPI has been monitoring the situation of these workers.

Mr Rustandi highlighted the difficult work conditions faced by Indonesian fishers:

- discrimination, exploitation and fraud by recruitment agents;
- low wages;
- no social security or insurance;
- no employment contracts, no government permits; and
- lack of attention to occupational health and safety.

The KPI has recorded several case studies of Indonesian seafarers who worked on foreign flagged vessels and were recruited through illegal procedures. The cases demonstrate non-payment of wages, abuse, abandonment, and lack of compensation in case of accident.

ITF and its affiliates have developed a Strategy, Work Program & Policy in Fisheries Sector, under which the following activities are being pursued:<sup>6</sup>

- Campaigning for ratification of ILO Convention No. 188<sup>7</sup> and the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F, 1995).
- Campaigning to address concerns under the Flags of Convenience (FOC) system.<sup>8</sup> ITF states that FOC systems are connected with poor labour conditions, wage violations, trafficking of crew, and with poaching and the illegal export of marine resources.<sup>9</sup> The campaign calls for establishing, by international government agreement, a genuine link between the flag a ship flies and the nationality or residence of its owners, managers and seafarers, thereby eliminating the FOC system; and an industry campaign designed to ensure seafarers serving on FOC ships are protected from exploitation.<sup>10</sup>
- Carrying out anti-IUU campaigns – to ensure secure employment of fishers and address the violations of human and labour rights that are associated with the IUU practice.<sup>11</sup>
- Expanding ITF influence in fisheries sector through cooperation with FAO, International Whaling Commission (IWC), Organisation of Economic Cooperation and Development (OECD), United Nations Conference on Sustainable Development (UNCSD), International Labour Organization (ILO) and International Maritime Organization (IMO).
- Supporting ITF affiliates in every country in efforts to improve working and living condition of *fishery seafarers* including development of a model Collective Bargaining Agreement for seafarers. The CBA details the terms and conditions of the crew employed on the ship, e.g. pay (wage scale), working hours, etc.<sup>12</sup>
- Organizing fishery seafarers: KPI has worked with the Indonesian Overseas Employment & Protection agency to ensure any seafarer working abroad becomes a union member before being able to apply for migrant worker documents; KPI has successfully lobbied for a

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<sup>6</sup> Several protective mechanisms relate to seafarers, not fishers, but lessons learned and principles could be applied to fishers.

<sup>7</sup> See toolkit developed by the ITF here:

[http://issuu.com/itf\\_rpc/docs/c188\\_organising\\_guide?mode=embed&layout=http%3A%2F%2Fskin.issuu.com%2Fv%2Fflight%2Flayout.xml&showFlipBtn=true](http://issuu.com/itf_rpc/docs/c188_organising_guide?mode=embed&layout=http%3A%2F%2Fskin.issuu.com%2Fv%2Fflight%2Flayout.xml&showFlipBtn=true)

<sup>8</sup> In defining an FOC the ITF takes the criterion whether the nationality of the ship-owner is the same as the nationality of the flag

<sup>9</sup> Flags of Convenience - ending the exploitation, available at: <http://www.itfglobal.org/fisheries/Petr-Oschansky.cfm>

<sup>10</sup> Flags of Convenience campaign, available at: <http://www.itfglobal.org/flags-convenience/index.cfm>

<sup>11</sup> Combating IUU Fishing, available at: [http://www.itfglobal.org/fisheries/IUU\\_fishing.cfm](http://www.itfglobal.org/fisheries/IUU_fishing.cfm)

<sup>12</sup> A standard collective agreement is available at:

<http://www.itfseafarers.org/files/seealsodocs/33559/ITF%20Standard%20CBA%202012.pdf> and for crews on FOC ships here: <http://www.itfseafarers.org/files/seealsodocs/33560/ITF%20Uniform%20TCC%20CBA%202012%20-%202014.pdf>

government regulation that requires ship owners and agents to sign a collective bargaining agreement (CBA) before they place seafarers onboard a vessel.

- Conducting trainings for ITF Inspectors and port workers to carry out inspection on fishing vessels.
- Preparing for a comprehensive research/study on violation of human rights and trade union rights against fishery seafarers in fisheries industry.
- Developing policies on catching method, catch fishing equipment standard and catch/fishing quota as part of promoting the policy “Responsible/Sustainable Fishing” to sustain nature conservation and marine ecology.
- KPI has developed sample employment contracts which are used by those companies who have collective bargaining agreement with KPI.

Mr Suchat Junthalakkhana, Stella Maris Seafarers Center Songkhla gave a presentation titled ‘Human Trafficking in Songkhla’ which outlined the support services provided by Stella Maris to migrant fishers in Thailand. Stella Maris’ main beneficiaries are trafficking victims who have entered the Thai fishing industry threat, force or deceit. Target groups also include seafarers and fishers; workers on fishing boats and in the fishing industry along sea ports and their family members, especially migrant fishers; fishing workers who are HIV positive or have other health problems; and detainees.

In order to reach out to victims and to provide assistance to migrant fishers, Stella Maris has been implementing several activities:

- education and group training;
- developing relationships with representative employers, communities and workers through meetings, cultural days, forums, provincial network meetings;
- establishing workers’ networks and creating leaders in local areas; providing training to these leaders;
- operating a centre to receive incident reports and provide assistance;
- providing shelters as required; and
- visit ships and fishing boats at sea ports to study working conditions of seamen.

#### **Discussion points:**

**1. Complaints Mechanisms:** Participants enquired if workers can make a complaint to the authorities and whether these are investigated by the government. However, Mr Junthalakkhana highlighted that workers tend to be discouraged from filing complaints.

**2. Cooperation between Stella Maris in Songkhla and organizations in Myanmar and Cambodia:** There is good cooperation with NGOs from Cambodia and cases of suspected trafficking in persons are shared with NGOs in Cambodia to assist in service provisions to these individuals.

**3. ITF and protection of seafarers:** ITF has been advocating for the protection of seafarers but the same principles and standards also apply to the protection of fishers.

**4. Cooperation between the ITF and the International Union of Food Workers (IUF):** The International Union of Food and Allied workers is an international federation of trade unions representing workers employed in agriculture and plantations, the preparation and manufacture of food and beverages, hotels, restaurants and catering services, and all stages of tobacco processing. There is close collaboration between the ITF and IUF as seafood catching and seafood processing are

closely related.<sup>13</sup> In New Zealand the ITF and IUF have partnered to call for a review of the regulations on fisheries.<sup>14</sup>

**5. ITF intervention on fishers:** Vietnamese General Confederation of Labour (VGCL) called on the ITF to increase their interventions to assist migrant fishers. ITF has been active in the campaign against flags of convenience and has collaborated to arrest owners of unworthy sea merchant ships and help stranded seafarers. However little has been done to help migrant fishers. Many Vietnamese migrant fishers are ill-treated by ship-owners, especially on Taiwan (China) flagged ships.

**6. Indonesian crew in Europe:** Many Indonesian workers are found on Spanish vessels. KPI explained that they have concluded CBAs with seven companies in Spain. The crew members have to have an employment contract that is validated by the Spanish government. Seafarers working on Spanish vessels receive the same wages as other workers, approximately US\$1, 100 per month including the fishing bonus.

**7. Labour Inspection:** Participants requested more information on how labour inspection is conducted by the ITF. KPI explained that a labour inspector will look for employment contracts, crew lists, welfare conditions, social security. The EU has inspectors in the port of Las Palmas, Spain. There are ITF inspections in New Zealand and Australia<sup>15</sup>. The response to non-compliance will depend on national laws and regulations. If it is found that violations have been committed on the ship, the ITF can delay the ship at the port. The MTUC<sup>16</sup> explained that its labour inspectors are authorized to go on board to check crew lists, accommodation, and availability of water. If the ship leaves prior to clearance, action can be taken at the next port.

### 3.7. Session 6: Group Work

Participants were divided into four groups with equal representation of trade unions, government and employers organizations. The following questions were used for the discussion:

1. What five priority measures should be undertaken in countries of origin and countries of destination to overcome the challenges we have discussed during the meeting and to improve the legal protection, employment, working, and living conditions of all migrant fishers?
2. What regional and bilateral cooperation should be pursued to improve the system of protection in place for migrant fishers?
3. What is the role of governments, trade unions, employers and international organizations to realize the actions identified in questions 1 and 2?

The following observations were recorded by each group:

#### Group 1

##### Five Priority Measures:

Country of Origin	Country of Destination
Skills training prior to departure including	Legal requirement from vessel owners/skippers

<sup>13</sup> ITF and IUF are currently implementing a pilot “From Catcher to Counter.” More information on the Pilot is available at: <http://www.itfglobal.org/fish/>

<sup>14</sup> ITF joins calls for overhaul of New Zealand fisheries regulations, available at: <http://www.itfglobal.org/news-online/index.cfm/newsdetail/6564/region/1/section/9/order/2>

<sup>15</sup> ITF Labour Inspector contact details are available at: [http://www.itfseafarers.org/find\\_inspector.cfm](http://www.itfseafarers.org/find_inspector.cfm)

<sup>16</sup> MTUC is the affiliate member of the Malaysian ITF

OSH	to conduct OSH risk assessment on regular basis
Facilitate regular migration of fishers	Improved accident and ill health reporting (government legal requirement)
Regulate recruitment agents	Cooperation and effective coordination between trade unions in country of origin and country of destination
Organize fishers into trade unions	Self-regulation tools
Education on labour laws and organizing	Certified inspection of working and living conditions by recognized organizations by government
Standards contracts for fishers	Form committee on dispute handling (tripartite)
Specific regulation for sending fishers to work overseas	Extend social security protection to fishers (government and private)
	Government inspection (coordinated among labour, fishers, marine/transport, navy and coast guard)

#### Regional and bilateral cooperation:

- Bilateral trade union cooperation – transfer of membership;
- Bilateral MoU between countries of origin and countries of destination on migrant fishers (on deployment, training, recruitment, rights, repatriation, etc.);
- Cooperation between labour department (competent bodies) on handling complaints, inspection services;
- Enhance role of SEAFDEC to handle migrant workers issues;
- Cooperation between industry associations and cooperation among employers organizations;
- Sharing of information on vessel owners that violate fishers' rights (blacklist of bad employers);
- Sharing of information on fishers, e.g. NFAT share figures with countries of origin/regularizations;
- Meeting and join activities between the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), ASEAN Labour Ministers Meeting (ALMM) and ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF); and
- Multilateral: regional MoU

#### Group 2

##### Five Priorities:

1. Increasing capacity building program, for example: training of labour inspectors in country of destination and pre-departure training in country of origin.
2. Strengthening the use of existence complaints mechanisms.
3. During recruitment process disseminate in detail information on the working conditions, the health of the workers etc. This must be reviewed both in country of origin and in the port of destination.
4. Improving coordination among relevant ministries for protection of workers in fishing sector when they are abroad.
5. Providing appropriate certification for fishing sector's workers.

**Bilateral Cooperation:**

- Promoting the development of MoUs as well as reviewing the existence MoUs for improvement of the content.

**Regional Cooperation:**

- Exchanging information on migrant fishers among ASEAN member states (statistic, private employment agencies etc.).

**Role of stakeholders:**

1. Government: Making good policies;
2. Trade Unions: coordination with trade unions all over the world;
3. Employers: development of good code of conduct; and
4. ILO: support for study, capacity building program, publication.

**Group 3**

Five priority measures in country of origin and country of destination:

1. Legal and regulatory framework;
2. Contract with minimum standards of protection;
3. Recruitment /Procedures–Defined suitable regulated relevant procedures /modality;
4. Vocational Training /orientation of fishers; and
5. Support services at sea – Communication system.

**Bilateral Cooperation**

- Regular social dialogue between the ministries;
- Memorandum of Understanding (MOUs); and
- Agreement that fishing vessels owners or skipper will transmit information of the status of the fishers at sea to the country of origin (crew list).

**Regional Cooperation**

- ILO Convention No. 188 ( more countries adopt the standards set in the Convention);
- binding in the national law;
- minimum standards in regional cooperation;
- cooperation between the ministries;
- regular tripartite meeting; and
- data collection and sharing (Improve monitoring system).

**Roles of stakeholders:**

Trade Union:

- organize migrant workers;
- regular inspection on board;
- establish contract with trade union of country of origin;
- Information dissemination/awareness campaign; and
- tap media.

Employer:

- treatment of fishermen;
- recognition of union; and
- conduct dialogue with union/workers.

Government:

- develop and enforce the laws for fishers (consultations) – cover the fishermen;
- national consultation – for gaps (tripartite);
- control and monitoring; and
- Information dissemination/tap media.

#### International Organization

- ITF - organize fishers; and
- ILO to promote ratification of ILO Convention No. 188 and to assist in providing technical support.

#### Group 4

#### 5 Priority Measures:

Country of Origin	Country of Destination
Skills Training - basic training on how to use the equipment, how to live on board, language training (responsible: Government + Agency)	Set-up one stop centre (for registration, complaint) (responsible: Government + Trade Union + employer)
Documentation (Immigration document; Seamen's certification, Health certificate) (responsible: Government)	Labour inspection – including document verification (responsible: Government)
Employment Contract (to include information on: working conditions, salary, social security and insurance, hours of work and rest period, medical care, food and clean water and accommodation) (responsible: Government + Trade Union + Agency + Employer Organization and Worker)	Training/orientation training (responsible: Government)
Recruitment (recruitment + selection, experience/familiar with fishing equipment, recruitment agency, regulation of fees, clear recruitment requirement (for employer and employee) (responsible: Government + Employer + Agency)	Repatriation of workers (responsible: Government)
Public Campaign on safe and legal migration (responsible: Government + Trade Union + ILO regional body + all relevant entity)	protection and welfare– particular rules and regulations to protect and monitor (responsible: Government)

#### Regional and Bilateral cooperation

- MoU/agreement between two countries (Government)
- Cooperation between seamen's unions in country of origin and country of destination (Trade union)
- Set up regional standard on employment agreement (ILO)
- Regional forum: meetings, seminar, discussion etc (ILO+ Government + Trade union + regional body)

#### 3.8. Closing Session

The Meeting Secretariat recorded the recommendations put forward in the group work and drafted a recommendations and conclusions document. This document was read line by line and

participant's amendments noted and incorporated. The meeting ended with the adoption of the recommendations and conclusions document.

The meeting was closed by Mr Manuel Imson, Senior Programme Officer/Project Coordinator, ASEAN TRIANGLE Project, International Labour Organisation and Mrs Tianggur Sinaga, Ministry of Manpower and Transmigration, Indonesia. Besides making a vote of thanks to the respective Ministries from each ASEAN Member State, tripartite partners and resource persons for their active participation during the meeting, Mr Imson requested all participants to share and discuss the meeting documents and outcomes with their colleagues to take forward the recommendations that were made.

#### 4. Annex 1: Agenda

##### Agenda

**Regional Meeting on Work in Fishing: Increased Knowledge Base and  
Sharing Good Practices for the Protection of Migrant Workers  
12 – 13 September 2013, Aston Hotel, Makassar, Indonesia**

#### Day 1

- 08.30-09.00 Registration
- 09.00-09.30 **Opening Remarks**  
Ms Michiko Miyamoto, Deputy Director, ILO Country Office for Indonesia, International Labour Organization,  
Mr Maruli A. Hasoloan, Secretary to the Directorate General of Placement of Workers (BINAPENTA), Ministry of Manpower and Transmigration, Indonesia  
Mr Andi Amasaing, Second Assistant to the Governor (Economic and Development Affairs), representing Mr Syahrul Yasin Limpo, Governor of the South Sulawesi Province  
Group Photo
- 09.30 – 09.45 Coffee break
- 09.45-12.00 **Session 1: Trends in the fishing sector and international standards on work in fishing**  
Moderator: Ms Roostiawati, Head of Administration of International Cooperation, Ministry of Manpower and Transmigration, Indonesia
- 09.45 - 10.15 Trends in the fishing sector in Asia and their impact on working conditions  
*Mr Bundit Chokesanguan, Information and Training Division Head, SEAFDEC Training Department, Southeast Asian Fisheries Development Centre*
- 10.15-10.30 Video: Ensuring decent work for fishers: ILO's Work in Fishing Convention, 2007 (No. 188)
- 10.30 - 11.15 Overview of ILO Work in Fishing Convention No.188 and its accompanying recommendation  
*Mr Brandt Wagner, Senior Sector Specialist: Shipping; fisheries; inland waterways, Sectoral Activities Branch, International Labour Organization*
- 11.15 – 12.00 Question and Answer
- 12.00-13.30 Lunch

- 13.30 - 15.15      **Session 2: National policies and legislation and their enforcement for the protection of migrant fishers during recruitment and employment**
- Moderator: Mr *Manuel Imson*, Senior Programme Coordinator, ASEAN TRIANGLE Project, ILO Regional Office for Asia and the Pacific
- Indonesia**  
 Mr *Guntur Witjaksono*, Director of Placement of Indonesian Overseas Workers, Ministry of Manpower and Transmigration, Indonesia
- Philippines**  
 Ms *Ofelia B. Domingo*, Regional Director, Department of Labor and Employment, Government of the Philippines
- Thailand**  
 Mrs *Piengpahp Withyachumnarnkul*, Senior Expert on Foreign Workers System Management, Department of Employment, Ministry of Labour, Government of Thailand
- Question and Answer
- 15.15 – 15.30      Coffee break
- 15.30 – 17.00      **Session 3: Sharing of new research and international developments in relation to the employment of migrant fishers**
- Moderator: Mr *Brandt Wagner*, Senior Sector Specialist: Shipping; fisheries; inland waterways, Sectoral Activities Branch, International Labour Organization
- 15.30-15.50      Employment and working conditions in Thailand’s commercial fishing sector  
 Mr *Max Tunon*, Senior Programme Officer/Project Coordinator, GMS TRIANGLE Project, International Labour Organization
- 15.50-16.10      Comparative study of national policies, recruitment channels and support services in four countries: Cambodia, Indonesia, the Philippines and Viet Nam (Case study: Taiwan (China) fishing industry)  
 Mr *Andy Shen*, Legal and Research Consultant, ILO ASEAN TRIANGLE Project
- 16.10-16.30      Good employment practices in the Spanish fishing industry and overview of the “Agreement Between the Social Partners in the European Union's Sea-Fisheries Sector”,  
 Mr *Pablo Manuel Xandri Royo*, International Fisheries Consultant
- 16.30-17.30      Question and answer
- 17.30              End of day 1
- 19.00              Welcome dinner

## Day 2

- 08.00-08.30 Registration
- 08.30-08.45 **Overview of the first day**  
*Mr Manuel Imson, Senior Project Officer/Project Coordinator, ASEAN TRIANGLE Project, International Labour Organization.*
- 08.45-10.00 Session 4: Protection of migrant fishers during recruitment and employment**  
**Moderator: Representative of Employers Organizations**
- 08.45-09.00 Protection for migrant fishers during recruitment & employment  
*Mr Le Thanh Ha, Vietnam Fishing Committee, Vietnam Association of Manpower Supply (VAMAS), Viet Nam*
- 09.00-09.15 Protection during employment  
*Mr Kamolsak Lertpaiboon, Secretary, National Fisheries Association of Thailand*
- 09.15-09.30 Occupational health and safety in the fishing sector and labour inspection of fishing vessels  
*Mr Peter Hurst, Consultant and Occupational Health and Safety Specialist*
- 09.30-10.00 Question and Answer
- 10.00-10.15 Coffee break
- 10.15-10.45 **Video conference: Situation of workers in the Japanese fishing industry**  
*Professor Hisaaki Fujikawa, Professor of Faculty of Law, Aoyama Gakuin University*
- 10.45-11.30 **Session 5: Role of trade unions and support services for the protection of migrant fishers pre-departure and during employment**  
  
Moderator: *Mr Arturo Barrit, Director, Education and Information Department, Associated Labour Unions – TUCP/PSU*
- 10.45-11.00 Support services for migrant fishers in Thailand  
*Mr Suchat Junthalakkhana, Stella Maris Seafarers Centre Songkhla*
- 11.00-11.15 The role of trade unions in the protection of migrant fishers pre-departure  
*Mr Hanafi Rustandi - Chairperson of KPI, Chairperson of ITF Asia-Pacific Region*
- 11.15-11.30 Question and Answer
- 11.30 – 13.30 Lunch break combined with breaking for Friday prayer time
- 13.30 – 14.00 Q & A on Session 5

14.00-15.30      **Session 6: Group work**

*(Coffee break will be served during the group works)*

15.30 – 17.00      Presentation of the Group Work and Plenary

17.00 – 17.30      **Closing remarks**

Mr Manuel Imson, Senior Programme Officer/Project Coordinator, ASEAN TRIANGLE Project, International Labour Organisation

Mrs Tianggur Sinaga, Ministry of Manpower and Transmigration, Indonesia

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