

**REGIONAL MEETING  
ON THE WORK IN FISHING**

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**PROTECTION FOR MIGRANT FISHERS  
DURING RECRUITMENT &  
EMPLOYMENT**

**Presented by:**

**Vietnam Fishing Committee**

**Vietnam Association of Manpower Supply (VAMAS)**

# **PROTECTION FOR MIGRANT FISHERS DURING RECRUITMENT & EMPLOYMENT**

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- ❑ **BRIEF INTRODUCTION ABOUT VIETNAM ASSOCIATION OF MANPOWER SUPPLY (VAMAS) AND ITS FISHING COMMITTEE.**
  
- ❑ **SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM**
  - + **South Korea**
  - + **Japan**
  - + **Taiwan.**
  
- ❑ **DIFFICULTIES IN DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM.**
  
- ❑ **SOLUTIONS OF VIETNAM FISHING COMMITTEE AND VAMAS FOR PROTECTION OF MIGRANT FISHERS:**
  - + **VAMAS**
  - + **Recruitment Agencies in Vietnam Fishing Committee.**

# **I. BRIEF INTRODUCTION ABOUT VAMAS AND ITS FISHING COMMITTEE.**

## **I.1. Introduction in Brief:**

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**Vietnam association of manpower supply (VAMAS)** was established on April 7, 2004 of which purpose is to cooperate and link the activities between the recruitment agencies, managers, the relevant agencies, and national and international organizations and individuals who interest in contribution to and facilitate the development work of sending worker abroad; mobilize, organize and encourage its members to improve their knowledge, to study and propose solutions to address issues relating to sending worker abroad and to support each other effectively, facilitate its members to develop equally, and protect the legitimate rights and interests of its members.

# **I. BRIEF INTRODUCTION ABOUT VAMAS AND ITS FISHING COMMITTEE.**

## **I.2. Roles of VAMAS in protection of migrant workers**

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- ❑ According to the Charter of the Association which is approved by relevant governmental Authority, VAMAS functions and duties do not include protection of migrant workers. However, due to VAMAS leaders are acutely aware that migrant workers are "god" of recruitment agencies; and that for a recruitment agency to sustainable development and gains good reputation, provide a good protection to its migrant workers is a must. Therefore, in practice of its activities, VAMAS is always looking for ways to raise awareness among recruitment agencies on the protection of their migrate workers and promote them to take action. VAMAS also formulated and promulgated Codes of Conduct, and influence its recruitment agencies to make voluntarily commit to its implementation; At initial stage, VAMAS are trying to monitor, evaluate and publicize the implementation of the recruitment agencies. In this pilot phase, the results have been shown to be beneficial.
  
- ❑ VAMAS also regularly meets with recruitment agencies that sending fishers abroad working out best ways to negotiate and sign contracts with foreign partners to get more favorable to migrant workers.

## **II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM**

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In VAMAS, there is an affiliated board of recruitment agencies sending fishers abroad which was established in 2009. In the beginning, there were about 20 agencies participating the board, however, at present there are about 14 agencies supplying Vietnamese fishers to Japan, Korea and Taiwan. The information on members of this board is as follows:

## **II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM**

### **14 Recruitment Agencies in Vietnam sending fishers to work in South Korea, Japan, Taiwan.**

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- ❑ Branch of Manpower Supply, Trade and Tourism (TTLC) Joint Stock Company;
- ❑ Van Hoa limited company
- ❑ The International Manpower Supply and Services Company (INMASCO - CIENCO1);
- ❑ Southern Waterway JSC (SOWATCO);
- ❑ II General Import-Export and Investment Cooperation Company , Hanoi Branch;
- ❑ Transportation Import-Export and Investment Cooperation Company (Tracimexco);
- ❑ SERVICO Hanoi;
- ❑ A branch of TRAENCO Joint stock company -TRAENCO Center for Manpower Supply;
- ❑ VCCI Trade and Service Limited Company (TSC);
- ❑ Oversea Labor Cooperation Joint Stock Company – Center for Fisher supply (LOD);
- ❑ VINAMOTOR Company;
- ❑ Truong Son Company;
- ❑ Railroad Company;
- ❑ Hai Duong Company;
- ❑ TRACOMIN Company;
- ❑ Gaet Company;
- ❑ IDC HaiPhong;
- ❑ East Sea Fishing Company;
- ❑ SOVILACO Company;
- ❑ CIENCO 4.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

### II.1. South Korea:

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- ❑ Dispatching of fishers to work in Korea has been occurred since 1992, working for the South Korean ship owners and are present in many waters around the world. Fishers can enter and change the ship at many ports in the world.
- ❑ Contract period is 2 years, extendable but not more than 6 months.
- ❑ In fact, many fishers, upon the labor contract expiry, have been re-employed by their previous ship-owners with higher positions and higher salary.
- ❑ Each year there are about 2,000 fishers working abroad dispatched by 7 manpower supply companies of Vietnam, namely CIENCO 1, LOD, SOWATCO, TRAENCO, IDC Hai Phong, TTLC, Hai Duong Company.
- ❑ Number of Vietnamese fishers employed by Korean owners is quite stable because Korean ships mainly re-use the experienced fishers.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

### II.2. Japan:

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- ❑ Japan received Vietnamese fishers since 1998. However, the number of fishers are limited and the labor contract is 1 year. The ship owners also often use ex-fishers.
- ❑ Every year, about 300 – 400 fishers are required by Japanese fishing vessel owners. There are 3 labor export companies who are supplying fishers for Japanese owners, namely LOD, SOWATCO, INMASCO – CIENCO 1.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

### II.3. Taiwan:

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- ❑ Dispatching fishers to work for Taiwanese fishing vessels occurred since 2005. Despite its later development than Japan and South Korea markets, fishers working for Taiwanese fishing are remarkable.
- ❑ Now there are about 12 companies specialized in supply fishers to work in Taiwan with large numbers, over 14,500 fishers sent abroad.
- ❑ Labor contract of fishers (Taiwan) is 3 years. From 2011, contract was resigned with a term of 2 years. Re-employment of fishers by Taiwan ship-owners is not as popular as South Korea and Japan. Each year, there are about 2500 Vietnamese fishers sent to work in Taiwanese fishing vessels.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

### II.3. Taiwan:

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**12 recruitment agencies specialized in supply fishers to work in Taiwan:**

- ❑ Branch of Manpower Supply, Trade and Tourism (TTLC) Joint Stock Company;
- ❑ The International Manpower Supply and Services Company (INMASCO - CIENCO1);
- ❑ SERVICO Hanoi;
- ❑ Van Hoa limited company – Hai Phong;
- ❑ Oversea Labor Cooperation Joint Stock Company – Center for Fisher supply (LOD);
- ❑ A branch of TRAENCO Joint stock company -TRAENCO Center for Manpower Supply;
- ❑ TRACOMIN Company;
- ❑ Railroad Company;
- ❑ IDC HaiPhong;
- ❑ VCCI Trade and Service Limited Company (TSC);
- ❑ Hai Duong Company;
- ❑ Truong Son Company.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

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- ❑ Dispatching offshore fishers in South Korea, Japan, and Taiwan is done through contracts between labor export companies in Vietnam and brokerage firms from Japan, South Korea and Taiwan. Labor export companies in Vietnam are under management of DOLAB but brokerage firms from Japan, South Korea and Taiwan are not under the control of the Ministry of Labor and Labor Committee or the Ministry of Fisheries of the aforementioned countries.
  
- ❑ Off-shore fishers in Taiwan work in the larger ships of 200 tons to several thousand tons. Characteristic of this ship is that it goes fishing in many waters around the world. Therefore, Vietnam fishers go on board in many ports, countries around the world (usually concentrated in the seas and the following countries):
  - + Asia: The Korean, Japan, the Middle East (Oman, Libya ...), the colony island as SAIPAN, PAGO PAGO, SAMOA, FIJI...
  - + Africa as CAPE TOWN, CONAKY, MAROCKO ...
  - + Europe as Las Palmas, Tenerife, Chile ...
  - + America, such as Uruguay, Brazils, Argentina, Paraguay, Peru, Mauritius, Surinam etc. ...
  
- ❑ Fisher main task is fishing off shore, these vessels are rarely docked. Caught seafood will be load to the carrier and carried back to ports where they are sold while crews continued fishing at sea abroad.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

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- ❑ **In addition to offshore fishers, Taiwan and Korean owners also rent near-shore Vietnamese fishers** who working primarily on small fishing vessels of 20 tons or more and short-term working at sea (from 1 day to 1 month).
- ❑ With near-shore fishing, management is tightened. For example, in South Korea, it is under National Federation of Fishery Cooperative NFFC. Taiwan's near-shore fishing vessels must be authorized by Taiwan Labor Committee. Vietnamese fishers usually prefer this type of contract for higher wages and mainly working in the waters of South Korea and Taiwan, by-catch for short – term at sea, regularly ashore, all matters arising between fishers solved daily, quickly, no serious problems arise, the risk of bankruptcy of the ship-owner is not so high then salary payment to fishers is better. However, this type usually occurs many cases that Vietnamese fishers fled to work illegally in factories in Korea and Taiwan. Due to this problem, many owners do not want to hire Vietnamese fishers despite their hard working, quick-wittedness and agility. Many fishers are re-employed by ship owners with higher salaries and higher positions. Currently there are about 6 companies of Vietnam supply near-shore fishing crews with an estimated number of 1300-1500 people / 1 year.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

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- Most of Vietnam migrant fishers working on fishing vessels in South Korea, Japan and Taiwan are from the Central provinces such as Nghe An, Ha Tinh, Quang Binh, Thanh Hoa, Quang Binh, Quang Tri, Quang Ngai etc. ... The fact has shown that fishers in these provinces can endure hardships and are suitable to life on foreign fishing vessels. With their professions and skills available in fishing, they do not have to be trained on fishing basic skills. Just only language training and orientation are provided, they are well prepared to work on the foreign fishing boats, free from sea-sick and quickly get used to foreign fishing works.

## II. SITUATION OF DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

### Contracting with foreign partners:

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- ❑ Normally labor export companies of VAMAS get to know, discuss and proceed selection, then sign contracts with foreign brokerage firms in South Korean, Japan and Taiwan. These contracts are submitted for approval from DOLAB of Vietnam.
- ❑ Once the contract gets approval, labor export companies shall go to coastal provinces in Vietnam for direct recruitment, doing procedures for health checking. Selected fishers shall be trained in the training centers of companies, then assigned for direct demand of ship owners, foreign brokerage firms and then preparing for departure in accordance with request of ship owners. They will embark at the international port that the ship has docked.
- ❑ As normal, labor export companies always cooperate with foreign brokerage firms to manage and to deal with matters arising and disputes of fishers from their embarkation until they return home.
- ❑ Every month, after receiving salary and insurance premium paid by ship owners, Vietnam's labor export companies have to obtain fisher's insurance for accidents and life at Vietnam insurance companies, and pay salary to fisher's family as well.

# III. DIFFICULTIES IN DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

## III.1. Ship owners:

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- ❑ Some owners have too old ships with old and out-of-date fishing equipments, disqualified for long time working on sea, then sometimes incidents such as fire, sinking occurs leading to fishers' death or injury.
- ❑ Some captains, officers on board often requires inequity with the fishers of different nationalities, in some cases even beat Vietnam fishers, then Vietnam fishers fight back and insist on repatriation before contract expires.
- ❑ Some ship-owners get bankruptcy, do not pay the crews, causing risks for companies that export labor. The company has to pay for Vietnam crews at their own expenses. Because of ship owners' bankruptcy, foreign brokerage firms cannot ask for salary to be paid to Vietnam crews then they also cannot pay, either.
- ❑ Some vessels do fishing in international waters without permission, fishing in some waters of some countries so ships arrested, fined or arising disputes between ship owners and administration agencies of that country. In some cases, when arrested, the ship owner abandoned ship and crews abroad and arrange to return home themselves.
- ❑ Somalia pirates has occurred with some ships, crews have no works to do, ship owners do not pay, Vietnam fishers' families ask for salary from Vietnam labor export companies. In recent years, there have been many cases regarding to Somalia pirates. Ships were arrested, even for 2 years, owners have not paid a ransom and salary to crews, while Vietnam labor export companies still have to pay salary for crews' families.
- ❑ Some owners does not comply with terms of the contract signed between the ship owner and crew, often terminating labor contracts before its expiry, causing damage to the labor export companies in Vietnam and the crews.

# III. DIFFICULTIES IN DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

## III.2. Foreign brokerage firms:

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- ❑ Do not well know about financial capacity of the ship owners. Sometimes ship owners have difficulty of finance, and get bankruptcy and are unable to pay salaries and insurance for Vietnam crews.
- ❑ Settlement of disputes between the crews on board is not good and sometimes, leading to serious consequences.
- ❑ With the bankruptcy of the ship owner, the foreign brokerage firm is not consistent to court for wages and insurance for Vietnam crews. Vietnam labor export companies have to suffer all damages because nobody settles with the ship owners for wages and insurance of crews.
- ❑ Some brokerage firms pay late to the Vietnam side, despite receiving wages from the ship owner (funds appropriation).

# III. DIFFICULTIES IN DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

## III.3. Vietnam labor export companies:

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- ❑ Some companies have not good recruitment and training which lead to the fact that crews' health is not qualified, not adapting to life and work long-term on sea and they have to return home before contract expires.
- ❑ Resolution of problems arising on sea still gets difficulties, in some cases, contact to crews to solve problems arising through Inmasat is required, however, not to all the ship, contact can be done. Thus, not all cases of problems can be resolved.
- ❑ Having so much difficulties when ship owners do not pay salary, become bankrupt.
- ❑ Vessels fishing in international waters or water that does not have diplomatic relations, there is no Vietnam embassy in the country, when crews are fighting, on strike or runaway, there is no way to solve problems and have to suffer economic losses.
- ❑ The settlement of disputes between labor export companies in Vietnam and the ship owners, foreign brokerage firms still gets difficulties and some cases can not be resolved.

# III. DIFFICULTIES IN DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

## III.3. Vietnam labor export companies:

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- ❑ Under the laws of Vietnam, labor export companies sending fishers to work overseas are responsible for resolving any disputes arising between ship-owners and fishers when working overseas. This difficulty arises when vessels working offshore, sometimes in international waters or the water of which such country does not have diplomatic relations with Vietnam, thus it is difficult to solve timely and absolutely. It is impossible to assign officers of labor export companies to such region. The labor export companies mainly rely on intervention and support from Vietnam's Embassies abroad. The problems arise in Vietnam between labor export companies and fishers shall be solved in accordance with Vietnam laws and labor contracts signed between the parties. Normally risks arising after the fishers return home without any fault of fishers will be responsibilities of labor export companies.
- ❑ Vietnam's labor export companies are just finding new partners from South Korea, Japan, Taiwan for cooperation. In fact, many other countries such as Russian, Argentina, Surinam etc ... also need to hire Vietnam labors but the approach and contracting faces many difficulties. Thus, labor export companies do not have conditions and opportunities to proceed contracting, even in case of contracting (if any), costs and expenses of both labors and labor export companies will increase, labor costs cannot be reduced and profits for labor export companies cannot be increased.

# III. DIFFICULTIES IN DISPATCHING FISHERS TO WORK ABROAD OF VIETNAM

## III.4. Vietnamese fishers/ crews:

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- Majority of the crews is working well and returned home with better economic conditions and stable life, and re-employed many times by ship owners. However, there are cases where crews fled abroad; some crews get breach of contract such as fighting, drinking; some cases of runaway in order to illegal settle abroad and as a result, labor export companies in Vietnam have to suffer all damages because ship owners deduct money.

# IV. SOLUTIONS OF VAMAS AND VIETNAM FISHING COMMITTEE FOR PROTECTION OF MIGRANT FISHERS:

## IV.1. By VAMAS:

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- ❑ VAMAS established a Fishing Committee directly belonging to VAMAS, organized meetings between the Vietnam Association of Fishing Vessels and foreign fishing vessels Association to agree on the general contract form of crew supply for Vietnam labor exporters and foreign brokerage firms to apply when collaborate with each other, especially uniform salary level and treatment in case of breach of contract.
- ❑ Require labor export companies in Vietnam have crews training center for language training, vocational education, physical training for crews, testing of sea-sick resistance, net mending and fishing skills of crews.
- ❑ VAMAS chaired the meeting with fishers recruitment agency Board to discuss and find the best solutions possible for fishers recruitment process, to request agencies to enhance training fishers and to set up the blacklist record (database) in the fisher recruitment agencies Board. The fisher who violates a contact with one recruitment agency will be listed in this blacklist so that other agencies do not recruit him/her again and he lose his opportunity to immigrate for work.
- ❑ Quality of labor recruited directly affects the efficiency and the sustainable development of enterprises. Currently, VAMAS only provides advices to the agencies on how to improve the quality of their recruiting workers, regulation on sanctions imposed on agencies for recruitment of poor quality or unsuitable workers has not yet formulated. Alternatively, there is only regulation that the agencies will be deducted its grade point of evaluation in case they violate the recruitment criteria set forth in the CoC-VN that negatively affect rights and legitimate interests of the workers.

## **IV. SOLUTIONS OF VAMAS AND VIETNAM FISHING COMMITTEE FOR PROTECTION OF MIGRANT FISHERS:**

### **IV.2 By Recruitment Agencies/ Labor export companies :**

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- ❑ Carefully selecting, checking health, training physical and skills-oriented education for crews before their departure;
- ❑ Detecting personal relatives of crews. Crews whose relatives are illegally living overseas are not selected;
- ❑ Not hiring crew returned home due to breach of contract;
- ❑ Not signing a contract with the foreign brokerage firms that fail to comply with the terms of the contract signed, for example, late payment, no timely resolution of issues arising for crews working overseas, the ship-owner with bankruptcy or not good finance;
- ❑ Not providing crews for ship owners often do illegal fishing in international waters, the ships can not afford long-term operation at sea, the ship owners often have problems with unfair treatment between the crews, or beating Vietnam crews etc. ...
- ❑ Not providing crews embarked in countries where the high risk of crew runaway.

# IV. SOLUTIONS OF VAMAS AND VIETNAM FISHING COMMITTEE FOR PROTECTION OF MIGRANT FISHERS:

## IV.2 Recruitment Agencies/ Labor export companies :

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**When crews working abroad:** the labor export companies to communicate frequently and request the ship owners for information to know situation of crews, in addition to, also coordinate with crews' family (via the monthly salary payment of crews) for more information to solve the arising between the crews.

- ❑ Since working at sea is a hard work and risky, the labor export companies have to buy insurance for accident and life of crews since their departure until they return home. In fact there have been cases of crews' death or injury who were compensated somewhat for their families loss by Vietnam insurance company compensates, with maximum compensation is 16000 USD / 1 case (with the injury rate from 80% or more).
- ❑ In order to limit the problem of language, customs and work barriers when crews are working abroad, labor exporters in Vietnam have assigned the experienced crews together with the in-experienced (do not have experience working in a foreign country). This helps reduce difficulties for the new crews in the early stages of working overseas.
- ❑ Organize annual meeting with crews families for working status information and to find out the arising problems to solve, encouraging families to exhort crews to work well abroad.
- ❑ All labor export companies in Vietnam have training centers at the locality where crews recruited for recruitment and training at the locality, reducing costs for the labors and clearly understanding of their personal relatives and their family circumstances.

## CONCLUSION:

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From the above analysis, VAMAS clearly identify that recruitment and training of crews for sending to work abroad for many years as a job creating good conditions for the fishermen in the coastal provinces of Vietnam. This work has stabilized and minimized the risk to fishers. The fact has shown, where a labor export company does good job of contracting, recruitment and training for the crew, the crews shall well work, complete all assignments and are re-employed many times by foreign fishing vessels, have good incomes, later returning home with more stable life and better economic conditions.