



THE ROLE OF TRADE UNION IN THE PROTECTION OF MIGRANT FISHERS INDONESIA

FUNDAMENTAL RIGHTS OF SEAFARERS IN ACCORDANCE WITH ILO CONVENTION

- 1. ILO Convention No. 87/1948, Freedom of Association & Protection of The Right to Organise (ratified by Presidential Decree *No. 83 of 1998*)**
- 2. ILO Convention No. 98/1949, The Application of the Principles of the Right to Organise & to Bargain Collectively (ratified by Act *No. 18 of 1956*)**
- 3. ILO Convention No. 186 (Maritime Labor Convention/Seafarers Bill of Right – not yet ratify)**
- 4. ILO Convention No. 188 (Work on Fishing Sector- not yet ratify)**

**NATIONAL & INTERNATIONAL REGULATION
CONCERNING THE MANNING PROCEDURES
& PROTECTION TO SEAFARERS**



NATIONAL :

- Indonesian Commercial Code
- Shipping Act No. 17 of 2008
 - Gov. Reg. No. 7 of 2000
 - Gov. Reg. No. 20 of 2010
- DGST Decree No. PY.66/1/4-03
- DGST Circular No :UK 11/21/12/DJPL-06
 - Reg. of BNP2TKI :
No.PER.03/KA/I/2013 &
PER.12/KA/IV/2013

INTERNATIONAL :

- ILO Conv. No. 98
 - ILO MLC
- ILO Conv. No. 188

PROBLEMS OF INDONESIAN FISHING VESSEL CREW

**Discrimination,
Exploitable &
Fraud by the
agent**

Low Wages

**No
Social Security
&
Insurance**

**No
Employment
Contract and
without
Gov. Permit**

**Lack of attention to
Safety factors in
Work place
(un-seaworthiness
Vessel)**

EXPLOITABLE & FRAUD

SOME EXAMPLES (CASES) HAPPENED TO (SUFFERED BY) INDONESIAN SEAFARERS

Some cases happened to Indonesian Seafarers who worked on board foreign flagged vessels (recruited & placed on board through illegal manning procedures) :

- F/V Rong Shen 828, Indonesia flag, Illegal Fishing, detained by Russian Gov. crew were repatriated without receiving their 4 months remaining salaries.**
- F/V Vetron Group, Maltese flag, owners did not pay their wages.**
- F/V La Mer No.1, Maltese flag, owners did not pay their wages.**
- F/V Fong Long Star 17, Taiwanese flag, Illegal Fishing & ships detained by the authority and owners did not pay their wages.**
- F/V Oyang 70 & 75, Korean flag, abuses, torture, low wages & stranded in New Zealand.**
- F/V Shin Ji, Taiwanese flag, abuses, torture, low wages, stranded in New Zealand.**
- FV. Shaks-101, Russian flag, own by Vostok Fishing Co. Russia, sank causing 7 Indonesia crews missing & 4 Indonesian crew safely, but all of them not get any compensation.**
- 163 Ind. Seafarers stranded in Trinidad Tobago. They worked on Taiwanese flag fishing vessel owned by Kao Jeng Trading Ltd. Taiwan, Illegal Fishing & ships detained by the authority and owners did not pay their wages.**

ITF & all the affiliates Strategy, Working Program & Policy in Fisheries Sector

- **Campaigning on ILO Conv. 188 of 2007 for ratification by ILO member countries.**
- **Carrying out political campaigns continuously to stop the use of FOC fishing vessels and establishing the requirement of genuine-link between shipowner and nationality/flag of a ship.**
- **Carrying out anti-IUU campaigns.**
- **Expanding ITF influence in fisheries sector through cooperation with FAO, IWC, OECD, UNCSD, ILO and IMO.**
- **Promoting the necessity of ratification of IMO STCW-F Conv.**
- **Supporting ITF affiliates in every country in efforts to improve working and living condition of fishery seafarers including attempt to develop a CBA model for general reference.**
- **Organizing fishery seafarers to prevent/get rid of slavery system in this industry.**
- **Conducting trainings for ITF Inspectors and port workers in other to carry out inspection against 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.**

PROTECTION & ADVOCATION TO MEMBERS



**CLAIM/ADVOCACY
COUNSELING**



- BIPARTITE MEETING TO SOLVE THE CLAIM / DISPUTE.
- NEGOTIATION OF CBA.



THE TRIPARTITE FORUM

ILO EAST - KPI Training Program

Ambon, 4-15 April 2011



**THE LEGAL BASIS OF
THE COLLECTIVE BARGAINING AGREEMENT (CBA)
TO PROTECT THE SEAFARERS**

NATIONAL :

Indonesian Commercial Code

DGST Decree No. PY.66/1/4-03

DGST Circular No :UK 11/21/12/DJPL-06

Reg. of BNP2TKI :

No.PER.03/KA/II/2013 &

PER.12/KA/IV/2013

Act No. 13 of 2003 (Art. 116 to 135)

INTERNASIONAL :

- ILO Conv. 98

- ILO Conv. MLC

(Guideline B1.4 article 2K)

-ILO Conv.No. 188

(Annex II)

NORMATIVE PROVISIONS In the CBA made by KPI

GENERAL

1. APPLICATION
2. DURATION
3. UNION PUBLICATION
4. HOME ALLOTMENT
5. WELFARE FUND & UNION MEMBERS FEE

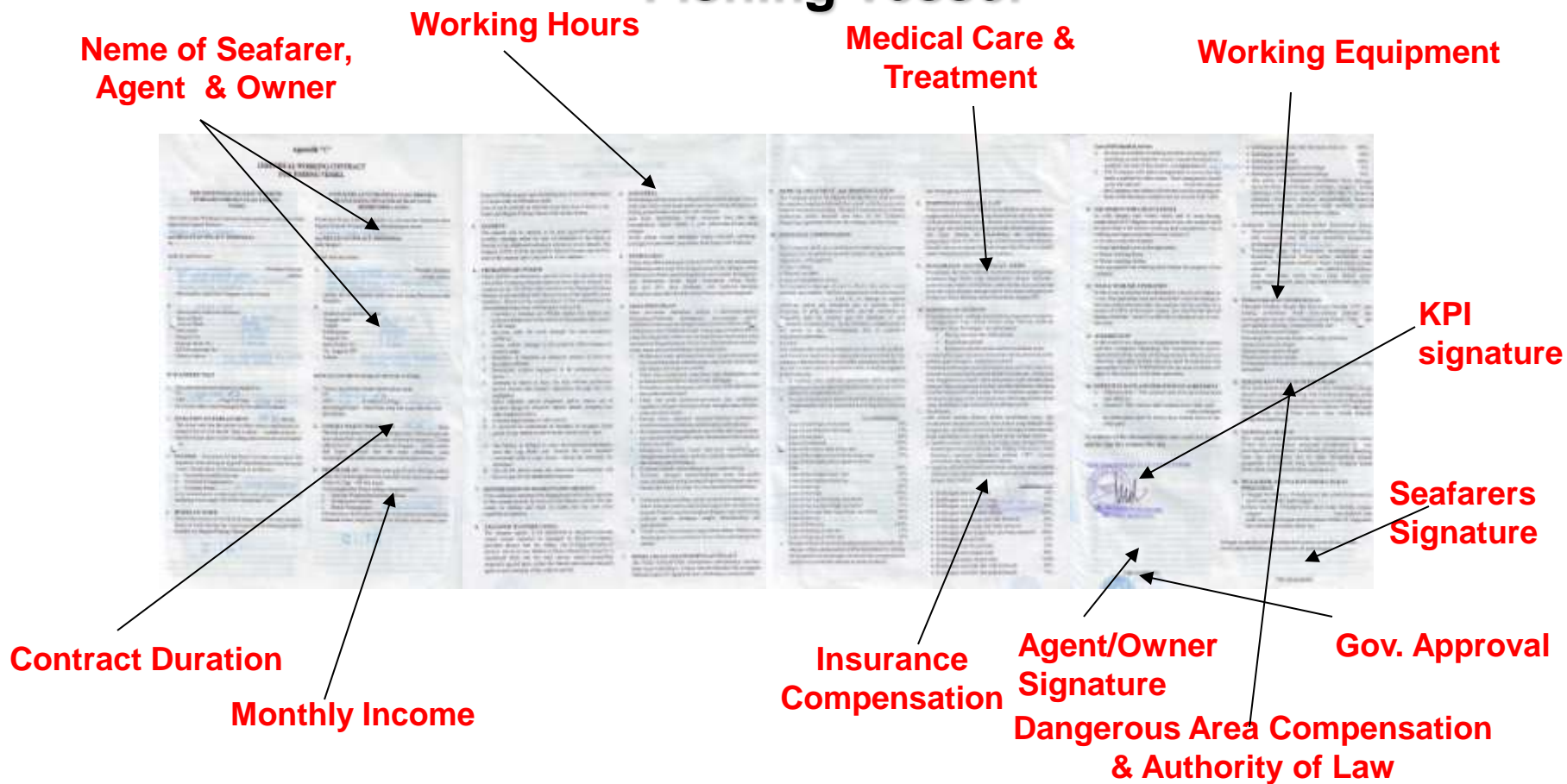
SPECIFIC

1. WORKING CONTRACT
2. DISCIPLINE & WORKING RULES
3. WAGE
4. WORKING HOURS & REST TIME
5. MEDICAL CARE & TREATMENT
6. INSURANCE
7. TERMINATION PROCEDURE
8. GRIEVANCE PROCEDURE
9. FOOD & ACCOMODATION
10. WORKING EQUIPMENT
11. LEAVE PAY
12. TRANSPORTATION
13. REPARTIATION PROCEDURE
14. EXTRA PAYMENT TO WARLIKE ZONE
1. PERMISSION TO LEAVE WORK

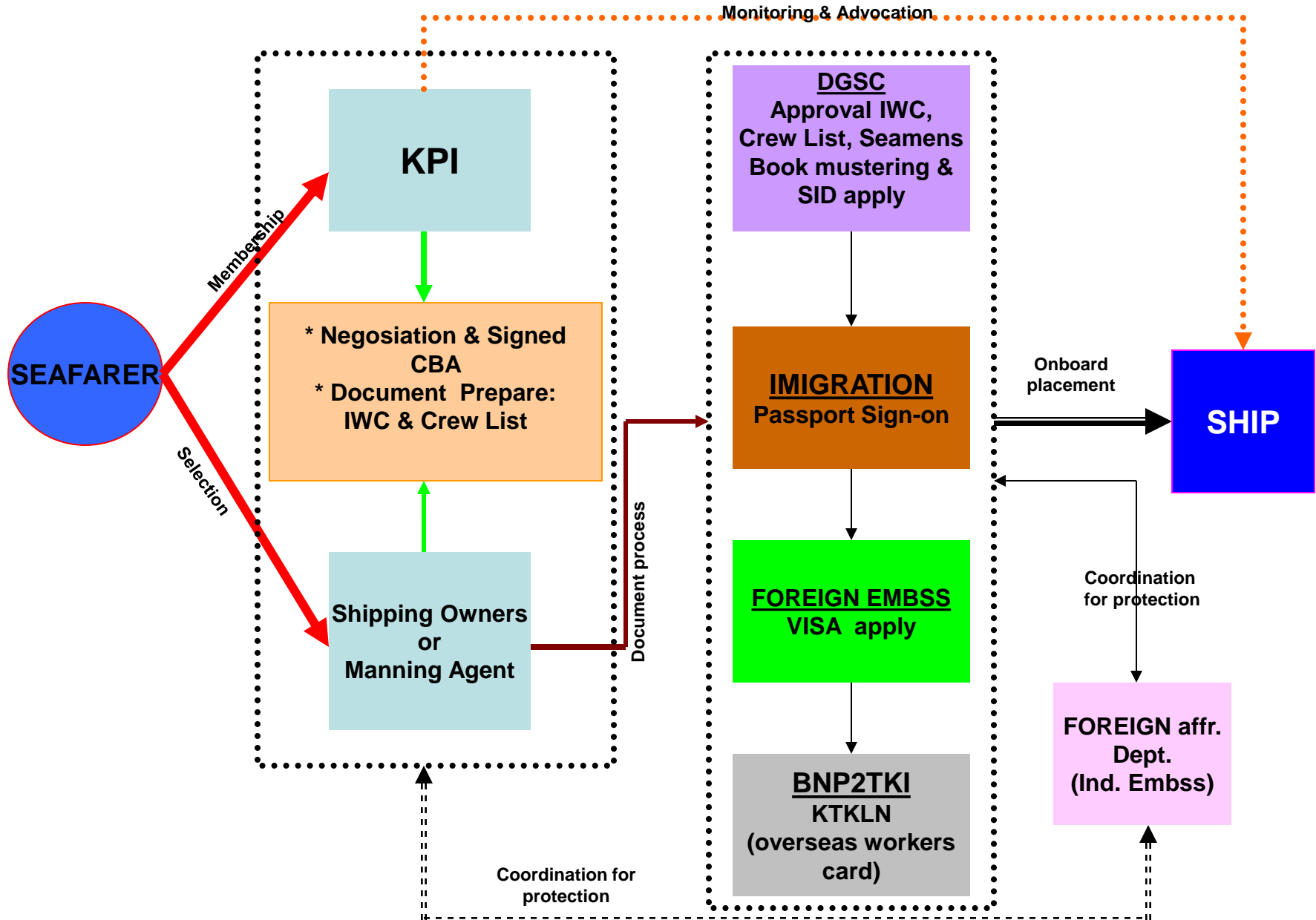
ADDITIONAL

1. EXTRA WORK
2. WAGE LIST
4. HOLIDAY LIST
5. LIST OF VESSEL

Sample of KPI employment contract for Fishing vessel



RECRUITMENT & PLACEMENT PROCEDURE FOR SEAFARERS TO FOREIGN VESSEL





WWW.KPIUNION.ORG

THANK YOU

