



International
Labour
Organization

Work in Fishing Convention, 2007 (No. 188)

The international context

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Will talk about:

- ✓ Progress on ratification of C.188
- ✓ Comments of ILO supervisory system
- ✓ Tools developed to assist ratification and implementation
- ✓ ILO projects and other actions relevant to C.188
- ✓ Coordination with FAO, IMO and others
- ✓ Increasing interest in decent work, C.188 by RFMOs

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DECENT WORK

C.188

- ✓ **Recruitment & placement of fishers**
- ✓ **Minimum age**
- ✓ **Medical examination**
- ✓ **Hours of rest**
- ✓ **Safe manning**
- ✓ **Crew list**
- ✓ **Fisher's work agreement**
- ✓ **Repatriation**
- ✓ **Payment of fishers**
- ✓ **Accommodation**
- ✓ **Food and water**
- ✓ **Medical care**
- ✓ **Occupational safety & health**
- ✓ **Social security**
- ✓ **Protection in the case of work-related sickness, injury or death**

► Compliance and enforcement

Flag State jurisdiction and control over vessels that fly its flag

- Inspection system
- Valid document (larger vessels at sea)
- Investigation of complaints of non-conformities

Port State control

Control of recruitment and placement services (A.22)

▶ Recommendation No. 199

- *Not binding*
- *Guidance*
- *Role for coastal State*

Council Directive (EU) 2017/159 of 19 December 2016

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▶ Article 22 of the ILO Constitution

Annual reports on ratified Conventions

1. Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

C.188 Article 22 report form

ISSUES UNDER C.188:

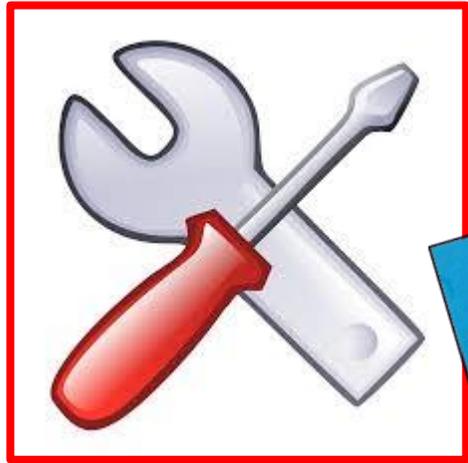
- Information on applicable legislation missing
- Definitions – e.g. “commercial fishing”
- Use of flexibility clauses
- Responsibilities of owners, skippers, fishers
- Minimum age
- Manning and hours of rest
- Fisher's work agreement
- Payment of fishers
- Repatriation
- Recruitment and placement
- Accommodation and food
- Social security
- Compliance and enforcement



<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>

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TOOLS



NORMLEX Information System on International Labour Standards
R199 - Work in Fishing Recommendation, 2007 (No. 199)

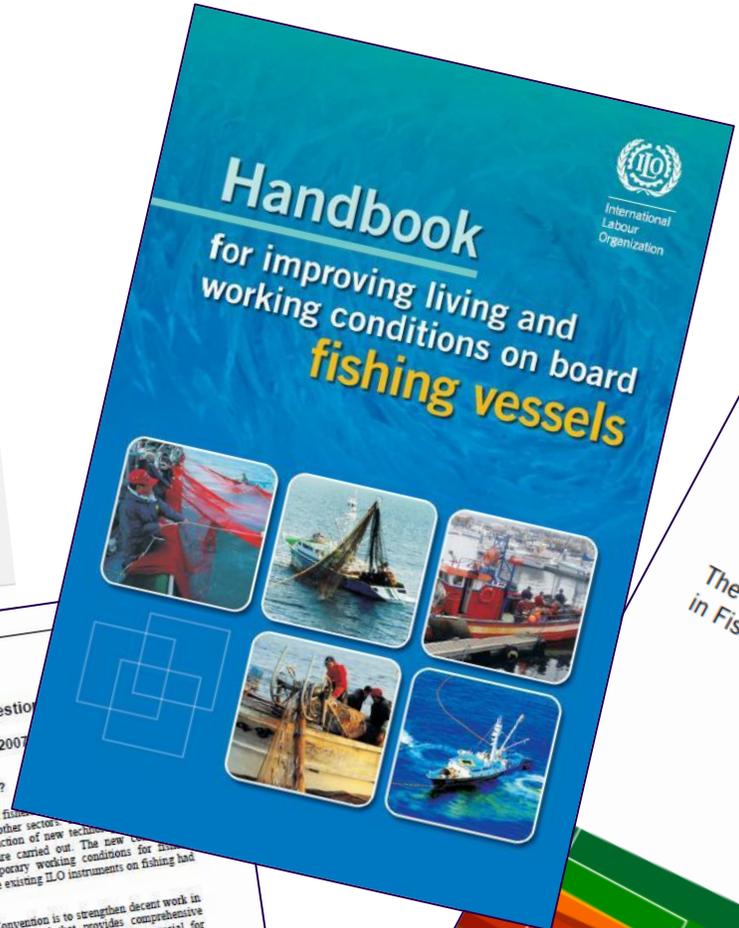
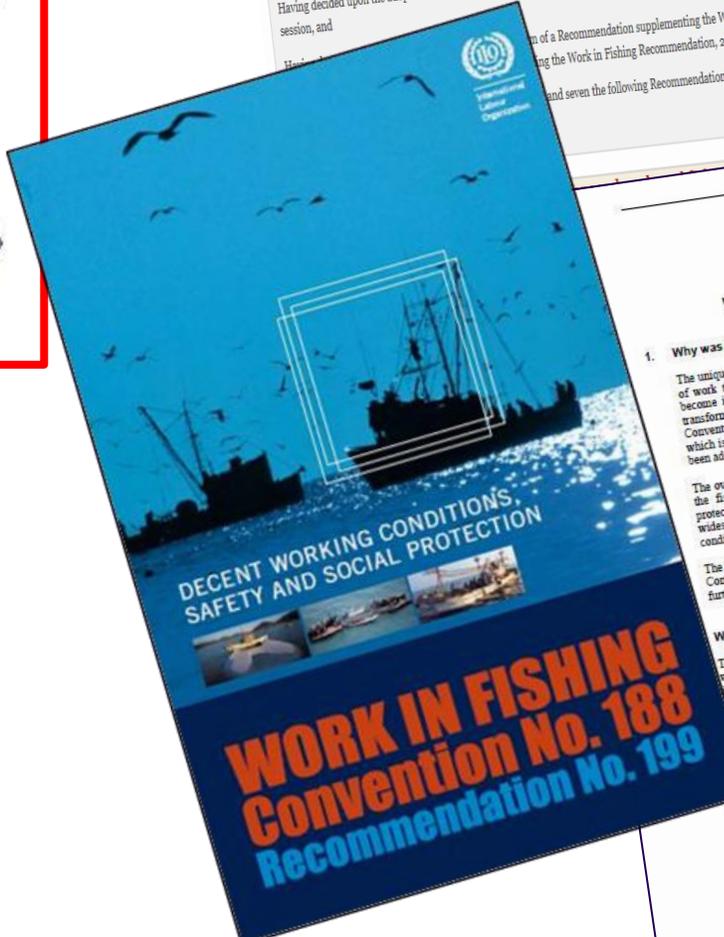
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Preamble

The General Conference of the International Labour Organization,
 Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its ninety-sixth Session on 30 May 2007, and
 Noting the Vocational Training (Fishermen) Recommendation, 1966 (No. 126), and

Taking into account the need to supersede the Work in Fishing Recommendation, 2005 (No. 196), which revised the Hours of Work (Fishing) Recommendation, 1920 (No. 7), and
 Having decided upon the adoption of certain proposals with regard to work in the fishing sector, which is the fourth item on the agenda of the session, and

Having decided to recommend that the Governing Body should prepare a Recommendation supplementing the Work in Fishing Convention, 2007 (No. 199), and
 Having decided to recommend that the Governing Body should adopt the following Recommendation, which may be cited as the Work in Fishing Recommendation, 2007 (No. 199):



Frequently Asked Questions
 Work in Fishing Convention, 2007 (No. 199)

1. Why was a new fishing Convention needed?

The unique nature of the fishing sector means that fishermen have experienced conditions of work that are different from those experienced by workers in other sectors. The nature of work in the fishing sector has become increasingly globalized and the introduction of new technologies and methods of work have transformed the way that fishing operations are carried out. The new Convention specifically addresses the contemporary working conditions for fishermen, which is particularly important since most of the existing ILO instruments on fishing had been adopted in the late 1950s and 1960s.

The overall purpose of the new consolidated Convention is to strengthen decent work in the fishing sector, and to develop a global standard that provides comprehensive protection for fishermen. The new Convention aims to offer the flexibility crucial for widespread ratification and, at the same time, lead to real improvements to working conditions.

The Work in Fishing Recommendation, 2007 (No.199) was adopted along with the Convention at the 96th Session of the International Labour Conference, and provides further guidance on the implementation of the Convention.

What is the objective of the Convention?

The objective of the Convention is to ensure that fishermen worldwide enjoy decent and safe working conditions, with regard to the minimum requirements for work on board, including conditions of service, accommodation and food, occupational safety and health protection, medical care and social security. It is a modern legal instrument, firm on principles and flexible on implementation, that may be widely ratified.

Who is a fisher?

A fisher is every person, male or female, employed or engaged in any capacity on board any fishing vessel. This includes persons working on a vessel that are paid on the basis of a share of the catch.

For the purposes of the Convention, fishers do not include pilots; naval personnel; other persons in permanent service of a government; shore-based persons carrying out work aboard a fishing vessel; fisheries observers; persons working ashore in post-harvesting activities such as processing (when done ashore), or in marketing activities.



Fundamental principles and rights at work (FPRW) – all workers:

- **Forced labour**
- **Child labour**
- **Discrimination**
- **Freedom of association and collective bargaining**

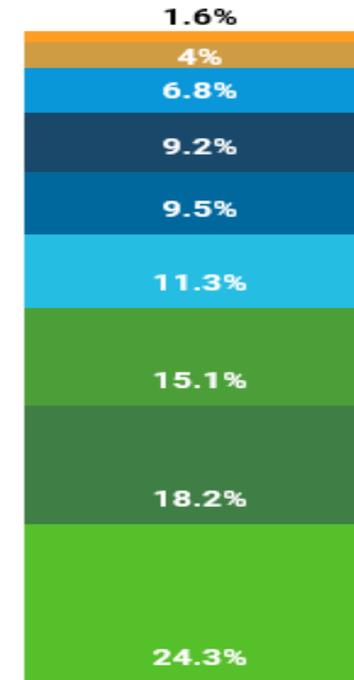
ILO promoting C.188 and application of FPRW Conventions (including the 2014 Protocol to the FL Convention) to the fishing sector

C.188 *prevents* forced labour

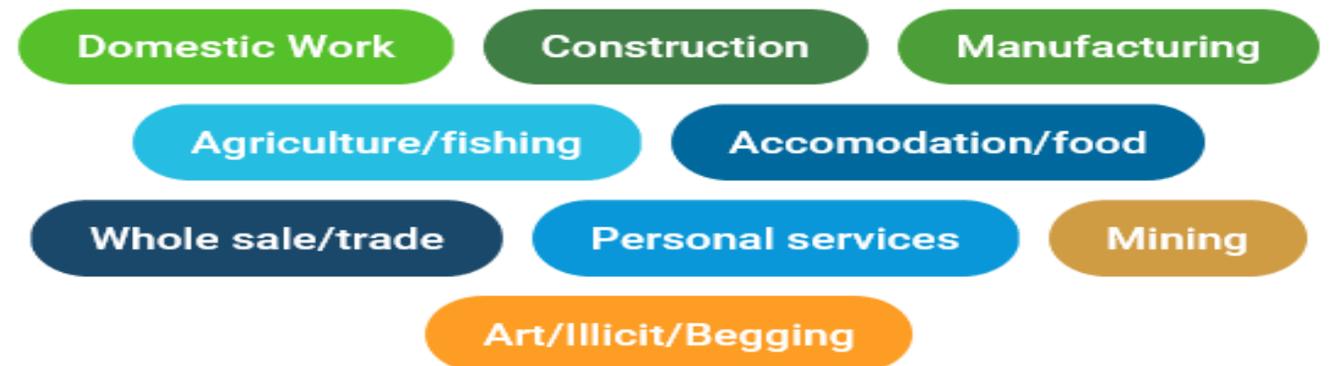
Forced Labour

11 indicators / red flags of forced labour

- Abuse of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

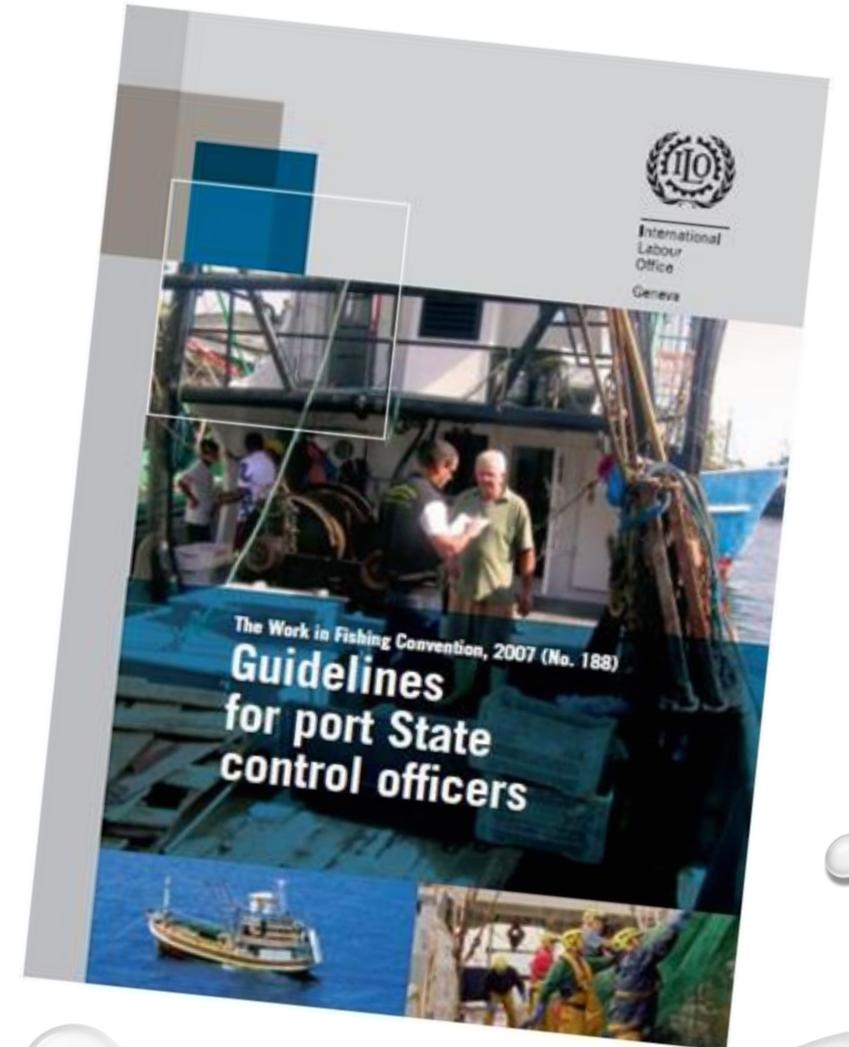
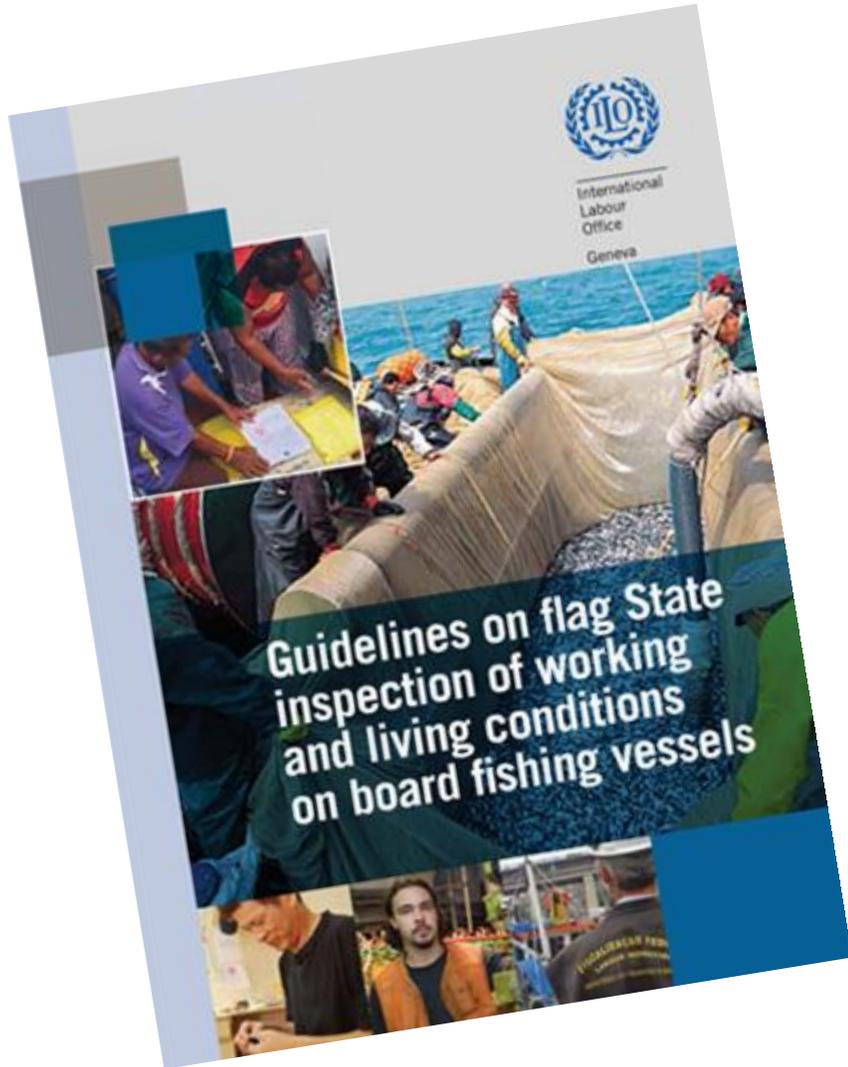


Exploitation by economic activity



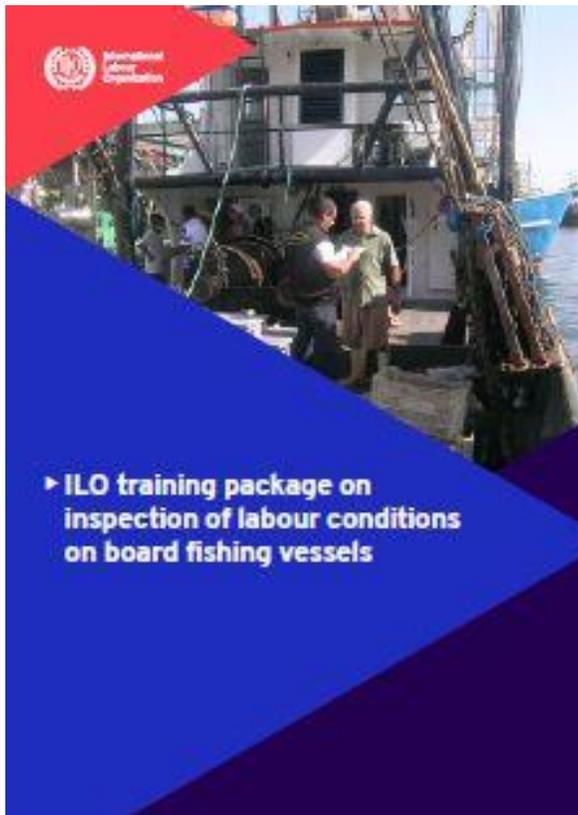
ENFORCEMENT

TOOLS



ILO training package on inspection of labour conditions on board fishing vessels

- draws on ILO's inspection guidelines, national experiences, ILO projects



- Overview of fishing sector, inspection issues, roles of relevant authorities (maritime, labour, fisheries, etc.
- Managers' planning programme
- Inspectors' field training programme
- Inspection of fundamental principles and rights at work
- Pre-training mapping exercise
- Annexes – tips for training, examples, etc.

BREAKING NEWS:

Upcoming online training courses!



**PROMOTING
DECENT WORK IN
THE FISHING
SECTOR THROUGH
TRAINING**

"Fishing is much more than fish"

Herbert Hoover

The fisheries sector produces one of the world's most valued sources of food, yet fishing is also one of the most challenging and hazardous occupations.

Following the adoption of the Work in Fishing Convention, 2007 (No. 188), the ILO is working to ensure decent work for all fishers.

In 2022, the ILO Sectoral Policies Department (SECTOR), jointly with the International Training Centre of the ILO will launch training activities to build the capacity of all interested parties in the promotion of decent work in the fishing sector through efficient inspection systems.

These online training courses will allow extensive exchanges with experts from the ILO and leading fishing institutions and will enable participants to apply decent working conditions in law and in practice.

Training of inspectors of labour conditions on board fishing vessels

A9715789
05/09-23/09/2022
3 weeks
(15 learning hours)

This online training course aims at equipping inspectors with the knowledge and tools to promote and ensure decent working conditions on board fishing vessels

Target group: inspectors, trainers of inspectors, fishing vessel owners and their organizations, fisher organizations' representatives

Cost
€ 805

Apply: <https://oarf2.itcilo.org/DST/A9715789/en>

Development and management of inspection systems of labour conditions on board fishing vessels

A9714975
03/10-04/11/2022
5 weeks
(25 learning hours)

The aim of this online training course is to develop the capacity of all parties involved in fishing to promote decent working conditions through effective and coordinated inspection systems.

Target group: Authorities involved in inspection of fishing vessels, fishing vessel owners and their organizations, fisher organizations' representatives, NGOs

Cost
€ 990

Apply: <https://oarf2.itcilo.org/DST/A9714975/en>

MORE INFO at: ils@itcilo.org or visiting itcilo.org/training

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ILO Projects

- **Project for a Rational and Sustainable Development of the Fishing Sector (Peru, Ecuador, Morocco, Mauritania, Guinea-Bissau, Senegal) (finished)**
- **Ship to Shore Project (Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry) (finished)**
- **Sea Fisheries Project (selected South East Asian countries) (finished)**
- **Ship to Shore Project in Southeast Asian Countries in the fishing and seafood processing sectors**
- **Strengthening decent working conditions in Peru and Ecuador by combating illegal, unreported and unregulated fishing in coastal communities**
- **Labour Standards on Fishing Vessels – IOM, FFA, UNODC (Pacific Islands)**
- **Sustainable supply chains to build forward better – fishing component (Namibia)**
- **Forced labour projects with a fishing component (8.7 Accelerator Lab)**

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Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (No. 188) – 2013

Two “points of consensus” which specifically referred to IUU fishing:

“5. Illegal, unreported and unregulated (IUU) fishing evades regulations, undermines fisheries management and conservation, and endangers the world food supply. **It exacerbates exploitative labour practices, which may have a negative impact on wages and working and living conditions of all fishers. IUU fishing may also involve forced labour and human trafficking, and child labour.**

14. Convention No. 188 will put in place a **system of flag and port State control inspection of working and living conditions on fishing vessels.** This is an essential element of establishing decent working and living conditions for fishers, including migrant fishers, and **will also contribute to addressing other issues such as IUU fishing,** forced labour and human trafficking, and child labour.”



Tripartite meeting on migrant fishers 2017



Conclusions:

ILO asked to reinforce and expand partnerships with international organizations and inter-agency mechanisms working in the fishing sector, such as, the FAO, IMO, INTERPOL, UNODC and UN Oceans; regional organizations such as the EU and Association of Southeast Asian Nations (ASEAN); and all other partners, to foster policy coherence in order to ensure decent work for migrant fishers **consider participation as a third and full member in the FAO/IMO Ad Hoc Joint Working Group on Illegal, Unreported, and Unregulated (IUU) fishing;**

Resolution:

ILO asked to develop, in close cooperation with other relevant agencies of the United Nations, an effective roadmap for rapid worldwide implementation of the international agreements relating to work in the fishing sector, in particular: (a) the Cape Town Agreement, STCW-F the International Convention on Standards of Training, Certification and Watchkeeping for Fishing, Convention No. 188, PSMA.

TMIMF/2017



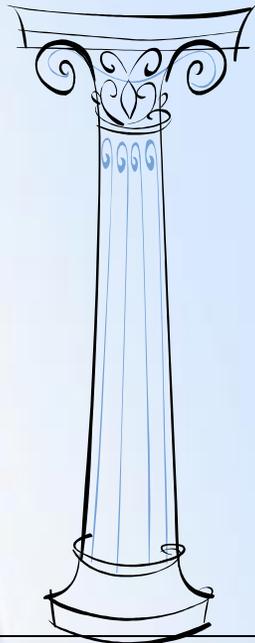
International
Labour
Organization

Decent work for migrant fishers

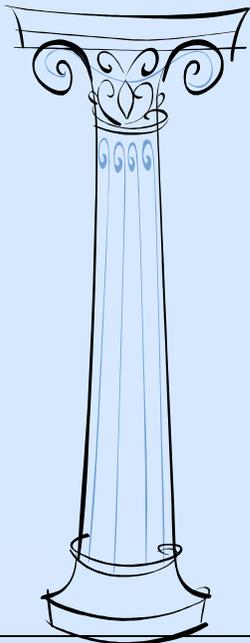




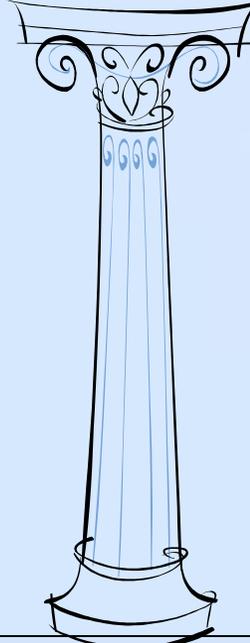
SUSTAINABLE FISHING



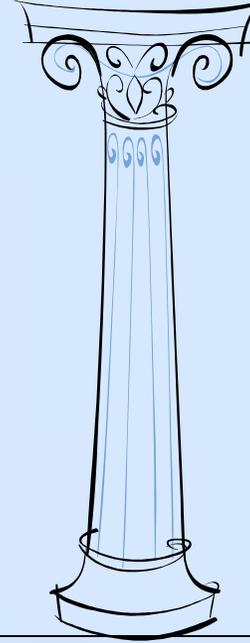
CTA



STCW-F



PSMA



C.188

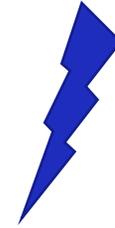
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Port State Control MOUs

- Paris MOU pilot project on PSC for fishing vessels over 24 metres
- Tokyo MOU

Sustainable Fisheries Partnership Agreements (SFPAs)

Regional fisheries bodies and regional fisheries management organizations



Introducing or considering a social dimension in their work:



- The Pacific Islands Forum Fisheries Agency (FFA)
- The Southwest Indian Ocean Fisheries Commission (SWIOFC)
- The International Commission for the Conservation of Atlantic Tunas (ICCAT)
- The Western and Central Pacific Fisheries Commission (WCPFC)
- The Fisheries Committee for the West Central Gulf of Guinea (FCWC/CPCO)

Summary:

- C188 exercising more influence
- Gaining more information from legal and practical application
- New tools and training available
- More ratifications needed

www.ilo.org/fishing

