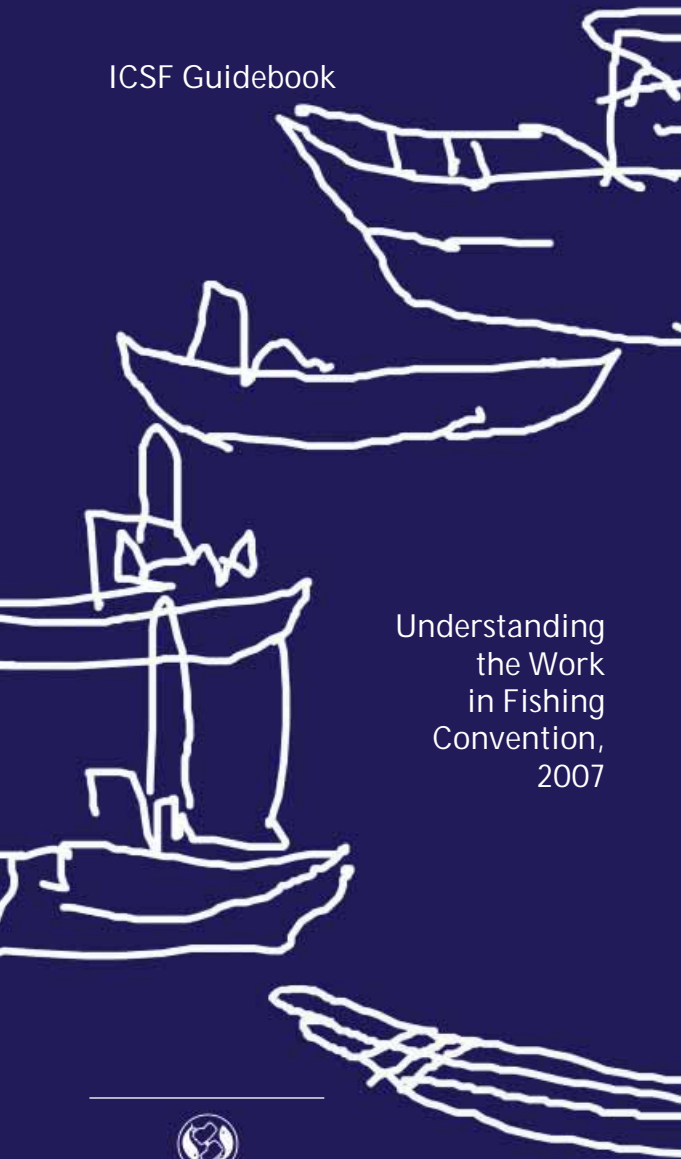


ICSF Guidebook



Understanding
the Work
in Fishing
Convention,
2007



International Collective in
Support of Fishworkers

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ICSF Guidebook:
Understanding the Work in
Fishing Convention, 2007

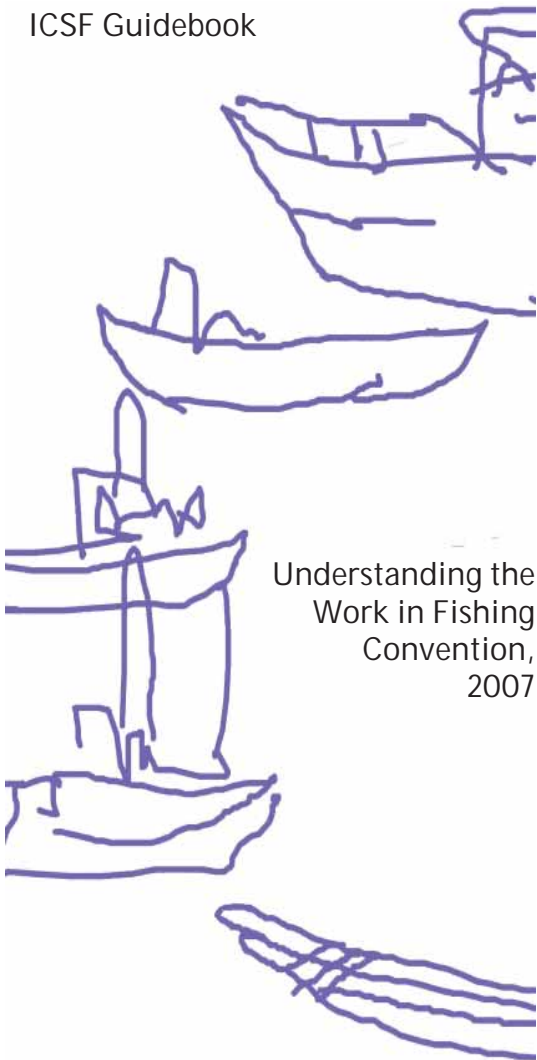
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27 College Road, Chennai 600 006, India
Phone: (91) 44-2827 5303
Fax: (91) 44-2825 4457
Email: icsf@icsf.net

Illustrations by
Sandesh (sandeshcartoonist@gmail.com)

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Understanding the
Work in Fishing
Convention,
2007



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Work in Fishing Convention, 2007

This guidebook attempts to provide a quick overview of the Work in Fishing Convention, 2007, which was adopted in Geneva, Switzerland, in June 2007 at the 96th International Labour Conference (ILC) of the International Labour Organization (ILO). It does not purport to provide interpretation of any provisions of the Convention and should not in any way be treated as a substitute for the actual provisions it contains. This guidebook is intended mainly to help those unfamiliar with the Convention and the working of the ILO and the ILC, gain some understanding of the relevant issues. In particular, it is hoped that the guidebook will aid fishworkers and their organizations understand the possible benefits and implications of the Convention for artisanal and small-scale fisheries in developing countries.

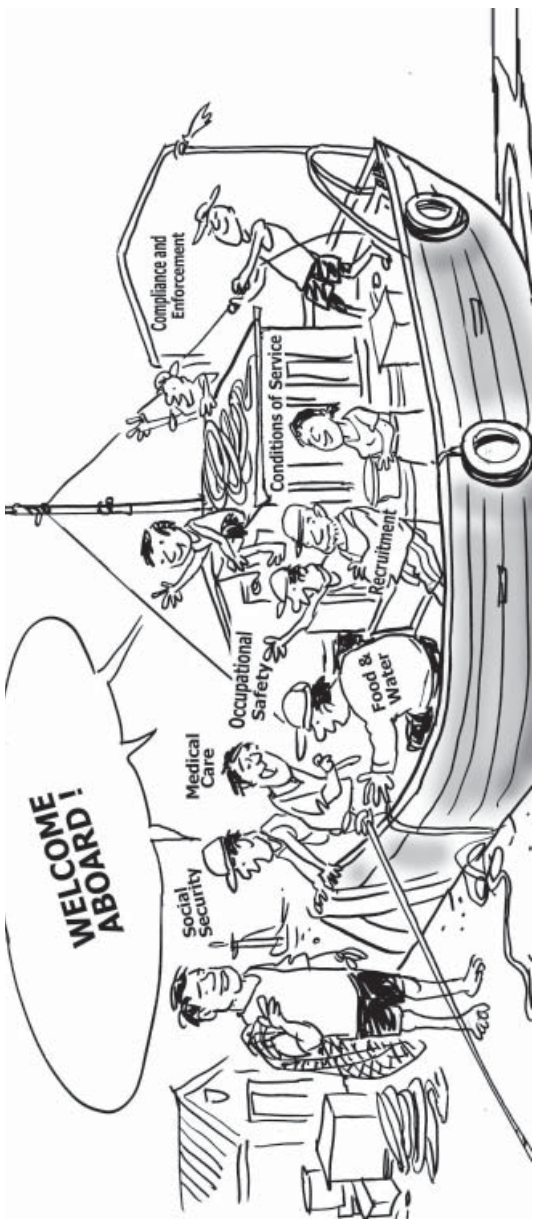


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Introduction



WELCOME!
ABOARD!

Compliance and
Enforcement

Conditions of Service

Recruitment

Occupational
Safety

Food &
Water


Medical
Care

Social
Security

What is the Work in Fishing Convention, 2007?

The Work in Fishing Convention, 2007, adopted by government, worker and employer delegates at the International Labour Conference (ILC) of the International Labour Organization (ILO), prescribes new standards for the fishing sector.

The objective of the Convention is “to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security.” New issues that were not covered by existing instruments—including repatriation, recruitment, medical care at sea, occupational safety and health, social security protection, and compliance and enforcement—are addressed.

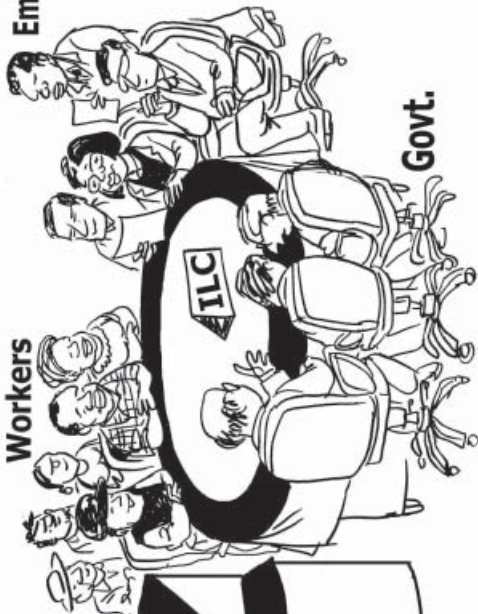
The Convention primarily targets flag States—States that have registered their fishing vessels and exercise jurisdiction over them, irrespective of where they fish. The Convention also has control provisions for port States—States that have jurisdiction over fishing vessels, irrespective of nationality, which report at fishing harbours under their jurisdiction. 

The International Labour Organization (ILO)

Employers

Workers

Govt.



What is the International Labour Organization?

The ILO is a specialized agency of the United Nations (UN) that develops international standards of labour rights, covering such areas as working conditions, equal opportunity, social security, forced labour, freedom of association and minimum-age restrictions.

The ILO was founded in 1919, at the end of the First World War, to pursue a vision based on the premise that universal, lasting peace can be established only if it is based upon decent treatment of working people. The ILO became the first specialized agency of the UN in 1946, and is the only surviving major creation of the Treaty of Versailles that brought the League of Nations into being. In 1969, on its 50th anniversary, the ILO was awarded the Nobel Peace Prize.

The ILO is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection, and strengthen dialogue in handling work-related issues.

In promoting social justice and internationally recognized human and labour rights, the organization continues to pursue its founding mission that labour peace is essential to prosperity. Today, the ILO helps advance the creation of decent jobs and the kinds of economic and working conditions that give working

people and business people a stake in lasting peace, prosperity and progress.

The Members of ILO are the States. As of 20 December 2007, the ILO has 181 Members.

What does the ILO do?

The ILO formulates international labour standards in the form of Conventions and Recommendations that set minimum standards of basic labour rights: freedom of association; the right to organize; collective bargaining; abolition of forced labour; equality of opportunity and treatment; and other standards regulating conditions across the entire spectrum of work-related issues.

Essentially, the ILO works to improve labour conditions by, among other means, regulating hours of work; protecting workers against sickness, disease and injury arising from their employment; protecting children; providing for old age and injury; protecting the interests of workers when employed in countries other than their own; and ensuring social security for workers.

The ILO provides technical assistance primarily in the fields of:

- vocational training and vocational rehabilitation;
- employment policy;
- labour administration;
- labour law and industrial relations;
- working conditions;
- management development;
- co-operatives;

- social security;
- labour statistics; and
- occupational safety and health.

The ILO promotes the development of independent employers' and workers' organizations, and provides training and advisory services to those organizations. Within the UN system, the ILO has a unique tripartite structure, with workers and employers participating as equal partners with governments in the work of its governing organs.

What is the organizational structure of the ILO?

The ILO consists of the International Labour Conference (ILC), a Governing Body (GB) and an International Labour Office.

The ILC—often called an “international parliament of labour”—meets every year in June in Geneva. Two government delegates, an employer delegate and a worker delegate, represent each Member State. The international labour standards are crafted and adopted at the ILC. The ILC also supervises the application of Conventions and Recommendations at the national level. The agenda for all meetings of the ILC is decided by the GB.

The GB is the executive council of the ILO and its highest decision-making body. The GB supervises the implementation of international labour standards. It meets three times a year in Geneva, takes decisions on

ILO policy, and establishes its programme and budget, which it then submits to the ILC for adoption. It also elects the Director-General. The GB is composed of 56 persons, 28 representing the governments, and 14 each representing employers and workers. Of those persons representing governments, 10 are to be appointed by ILO Members of chief industrial importance, which currently include developing countries such as Brazil, China and India. The ILO's tripartite structure embodies the principle of equal representation by employers' groups, workers' groups and governments.

The International Labour Office is the permanent secretariat of the ILO. It is the focal point for ILO's overall activities, which it prepares under the scrutiny of the GB and under the leadership of a Director-General, who is elected for a five-year renewable term. The Office employs some 1,900 officials of over 110 nationalities at the Geneva headquarters and in 40 field offices around the world.

What is ILO's tripartite structure?

The ILO has a tripartite, or threefold, decision-making mechanism that brings together government, employer and worker delegates on an equal footing in its organs and in all its workings. The ILO's tripartite structure encompasses governments of Member States, and employers' and workers' organizations. The ILO Constitution requires each Member State to send a tripartite delegation to the meetings of the ILC, comprising two government delegates, an employer delegate, a worker delegate, and their respective

advisers. The employer and worker delegates are chosen in consultation with the most representative national organizations of employers and workers, which, in turn, is decided by the respective national governments.

What instruments does the ILO have to improve labour conditions?


The instruments that ILO employs to improve labour conditions take the form of international labour Conventions and Recommendations, adopted by the ILC. They promote internationally recognized principles and objectives of social policy, and comprise a system of international standards in all work-related matters. ILO Conventions are international treaties, subject to ratification by ILO Member States. Recommendations are non-binding instruments—often dealing with the same subjects as Conventions—that set out guidelines orienting national policy and action. Both forms are intended to have a concrete impact on working conditions and practices around the world.

How does the ILO adopt a Convention or a Recommendation?

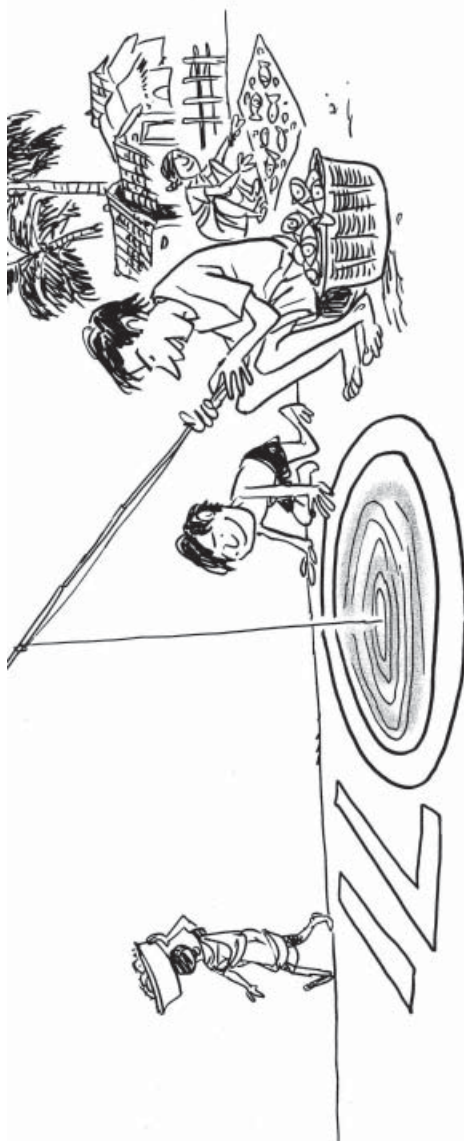
Before a Convention or a Recommendation is adopted, the ILC makes rules to ensure thorough technical preparation and adequate consultation with the Members. The ILC might appoint committees to consider and report on any relevant matter. Once the report is received, the ILC considers the proposed Convention or Recommendation for adoption. The provisions of a Convention or a Recommendation would then be referred to the Drafting Committee for the preparation

of a final text. The ILC would take a final vote on the adoption of the Convention or Recommendation contained in the final text, in accordance with Article 19 of the Constitution of the ILO. A majority of two-thirds of the votes cast by the delegates present at the ILC is necessary on the final vote for the adoption of the Convention or Recommendation.

The Conventions are open to ratification, or formal approval, by governments. Each of the Members that ratify the Convention agrees to make an annual report to the International Labour Office on the measures taken to give effect to the provisions of the Conventions to which it is a party, such as development of national legislation. The Member States are also obliged to report on Conventions that they have not ratified.

The Recommendations, however, are not legally binding, and do not create any formal obligation for governments; they are intended only to guide the social policies of governments. 

ILO and the Fishing Sector



Fishing-related Conventions

What is ILO's involvement with the fishing sector?

ILO's interest in improving labour conditions in the fishing sector dates to 1920, when the 2nd Session of the ILC in Genoa, Italy, adopted a Recommendation concerning the limitation of hours of work in the fishing industry. It proposed "an eight-hours' day or 48-hours' week as the standard to be aimed at where it has not already been attained."

Nearly 40 years later, three fishing-related Conventions have been adopted at the ILC, namely, the Minimum Age (Fishermen) Convention, 1959 (No. 112); the Medical Examination (Fishermen) Convention, 1959 (No. 113); and the Fishermen's Articles of Agreement Convention, 1959 (No. 114).

Convention No. 112 applied to all commercial maritime fishing vessels, and forbid children below 15 years of age from being employed on fishing vessels. However, if health and physical conditions permit, children not less than 14 years of age could be employed.

Convention No. 113 also applied to all commercial maritime fishing vessels, but exempted vessels that do not remain at sea for more than three days. It required a fisher to hold a certificate attesting to his/her fitness for the work for which he/she was to be employed.

Convention No. 114 was adopted for commercial maritime fishing vessels, with provisions to exempt certain types of fishing vessels in consultation with

employers' and workers' representatives. It required articles of agreement to be signed both by the owner of a fishing vessel and by the fisher for a definite, or indefinite, period, or for a fishing voyage, subject to national law. These articles related to, among other things, the quantum of provisions to be supplied to the fisher on a fishing voyage, the mode and quantum of remuneration, and the conditions for termination of the agreement.

In 1966, the last of the fishing conventions to pre-date the Work in Fishing Convention, 2007, were adopted. These were the Fishermen's Competency Certificates Convention, 1966 (No. 125), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126). Both instruments, among other things, exempted vessels engaged in inshore fishing and fishing vessels less than 25 gross registered tonnage (GRT). The latter Convention also exempted vessels less than 13.7 m in length. Evidently, both these Conventions applied mainly to industrial fishing operations.

Convention No. 125 required Member States who had ratified the Convention to establish standards of qualification for certificates of competency entitling a person to perform the duties of skipper, mate or engineer on board a fishing vessel, while Convention No. 126 necessitated them to provide crew with accommodation facilities.

The Vocational Training (Fishermen) Recommendation, 1966 (No. 126) focused on the general training of fishermen in various areas like navigation, fishing, repair and maintenance of fishing vessels, and safety at sea.


Some of the maritime Conventions also had provisions to apply to commercial maritime fishing. Thus, the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55) applied to fishing vessels, except 'coastwise fishing vessels'. Similarly, the Seafarers' Welfare Convention, 1987 (No. 163); the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164); the Social Security (Seafarers) Convention (Revised), 1987 (No. 165); the Repatriation of Seafarers Convention, (Revised), 1987 (No. 166); the Labour Inspection (Seafarers) Convention, 1996 (No. 178); the Recruitment and Placement of Seafarers Convention, 1996 (No. 179); and the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180) also could apply to commercial maritime fishing.

What has the ILO done to develop new labour standards in fishing?

In March 2002, the 283rd Session of the ILO GB placed on the agenda of the ILC an item concerning a comprehensive standard—a Convention, supplemented by a Recommendation—on work in the fishing sector. The new standard was meant to revise six of the seven

existing ILO instruments, with the exception of the Fishermen's Competency Certificates Convention, 1966. New issues related to persons working on board fishing vessels—like occupational safety and health, and social security—were also taken up.

The Work in Fishing Convention, 2007 (C188), supplemented by the Work in Fishing Recommendation, 2007 (R199), was adopted at the 96th Session of the ILC, held in Geneva in June 2007, after discussion on the proposed text of the Convention and Recommendation in two consecutive sessions of the ILC Committee on the Fishing Sector, in 2004 and 2005, and after accommodating further changes to the text proposed by some Member States and the employers' group at the ILC Committee on the Fishing Sector, in 2007.

The Work in Fishing Convention, 2007, would come into force 12 months after the date on which the ratifications of 10 Members, eight of which are coastal States, have been registered with the ILO. 

The Work in Fishing Convention, 2007



What is the special significance of the Work in Fishing Convention, 2007?

Although it is more than 40 years now since the last ILO fishing labour standard was adopted, the ratification level of the past Conventions has been very low. Moreover, the old instruments are no longer fully relevant, and have been updated to reflect the changing nature of today's fishing operations. The maritime Conventions that applied to commercial maritime fishing also ceased to be relevant with the adoption of the Maritime Labour Convention, 2006, (MLC), which, while revising the existing maritime Conventions, excluded fishing vessels from its scope. The Work in Fishing Convention, 2007, revises these fishing labour standards, and incorporates relevant provisions of the maritime Conventions that applied to fishing vessels in order to update and strengthen the standards-setting system to reflect the changes in the fishing sector over the last four decades and also to fill the void left by the non-inclusion of fishing vessels within the scope of the MLC.

In the current context of economic and trade globalization, fishing vessels from many developing countries are fishing not only in their own national waters, but also in the high seas, as well as in the waters of other States. There has also been an unprecedented growth in employment of fishers from developing countries on board fishing vessels of industrialized countries. In such a situation, the Work in Fishing Convention, 2007, is a useful toolkit to meaningfully engage with the labour dimension of fishing, which has

been recognized by the ILO as “a hazardous occupation, when compared to other occupations”, as well as to improve living and working conditions on board fishing vessels.

For the first time in the history of any ILO fishing-related instrument, the Work in Fishing Convention, 2007, offers the scope to extend to all fishing operations, including those in rivers, lakes or canals, with the exception of subsistence and recreational fishing. Importantly, this is the first ILO fishing-related instrument that brings both inland and marine fishing operations, including small-scale fishing operations, within its scope. The Convention thus applies to both large- and small-scale fishing vessels, open and decked, as well as fishers on board such vessels.

What are the main requirements under the Work in Fishing Convention, 2007?

The countries that ratify the Work in Fishing Convention, 2007, will have to specify the requirements for sufficiently and safely manning fishing vessels for their safe navigation and operation. It will be necessary for ILO Members to develop standards regarding:

Minimum Requirements for Work on Board Fishing Vessels

- minimum age for assignment on board fishing vessels, so as not to jeopardize the health, safety or morals of young persons;
- medical examination, to make sure that fishers are fit to perform their duties on board a fishing vessel;

Conditions of Service

- safe manning, to ensure safe navigation and operation of the fishing vessel;
- regular periods of rest for fishers on board fishing vessels, to guarantee their safety and health;
- carrying crew list on fishing vessels and providing a copy of it to the authorities, prior to the departure of the vessel;
- preparation of fishers' work agreements and their minimum particulars, to guarantee decent work and living conditions to fishers on a fishing vessel;
- entitlement of fishers for repatriation from a foreign port;
- recruitment and placement of fishers;
- mechanisms to ensure regular payment of wages to fishers;

Accommodation and Food

- provisions on board fishing vessels with respect to accommodation, food and potable water;

Medical Care, Health Protection and Social Security

- medical care and right to medical treatment ashore, and the right to be taken ashore in a timely manner in the event of serious injury or illness;
- prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management;
- training for fishers in the handling of types of fishing gear and in the knowledge of fishing operations,

- reporting and investigating accidents on board fishing vessels;
- ensuring that fishers and their dependents are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers, achieving comprehensive social security protection for all fishers and to ensure the maintenance of social security rights;
- protection for work-related sickness, injury and death and to ensure that fishing vessel owners are responsible for the provision to fishers of health protection and medical care; and

Compliance and Enforcement

- effective exercise of jurisdiction and control over vessels by establishing a system to guarantee compliance with the requirements of the Convention.

All the above provisions would apply to: (a) fishing vessels of length 24 m and above; (b) fishing vessels that normally remain at sea for more than seven days; or (c) fishing vessels that undertake distant-water fishing operations. Most of them would also apply to fishing vessels and those employed on board such vessels not excluded by national authorities from the scope of the Convention.

What are the specific expressions of the Convention that seek to achieve these aims?

The Convention has 54 articles spread over nine parts, and three annexes. Part 1 deals with Definitions (Article 1) and Scope (Articles 2, 3, 4 and 5). Part II deals with General Principles, namely, Implementation (Article 6), Competent Authority and Coordination (Article 7), and Responsibilities of Fishing Vessel Owners, Skippers and Fishers (Article 8). Part III deals with Minimum Requirements for Work on Board Fishing Vessels, namely, Minimum Age (Article 9), and Medical Examination (Articles 10, 11 and 12).

Part IV deals with Conditions of Service, Part V with Accommodation and Food (Articles 25 to 28) and Part VI deals with Medical Care, Health Protection and Social Security. Parts IV and VI are the longest sections of the Convention. Part IV includes Manning and Hours of Rest (Articles 13 and 14), Crew List (Article 15), Fisher's Work Agreement (Articles 16, 17, 18, 19 and 20), Repatriation (Article 21), Recruitment and Placement (Article 22), and Payment of Fishers (Articles 23 and 24). Part VI includes Medical Care (Articles 29 to 30), Occupational Safety and Health and Accident Prevention (Articles 31 to 33), Social Security (Articles 34 to 37), and Protection in the Case of Work-related Sickness, Injury or Death (Articles 38 to 39).

Part VII deals with Compliance and Enforcement (Articles 40 to 44). Part VIII deals with the Amendment of Annexes I (Equivalence in Measurement),

II (Fisher's Work Agreement) and III (Fishing Vessel Accommodation). Part IX deals with the Final Provisions.

What is the structure of the Work in Fishing Convention, 2007?

The Work in Fishing Convention, 2007, has a two-tier structure. On the one hand, it has a prescriptive standard (i) for vessels of length 24 m and above, (ii) for vessels that remain at sea for more than seven days, or (iii) for vessels that navigate at a distance exceeding 200 nautical miles from the coastline, or (iv) for vessels that navigate beyond the outer edge of the continental shelf, and (v) for fishers working on such vessels. On the other hand, it has a flexible standard for other fishing vessels notified within the scope of the Convention and for fishers working on those vessels. It is left to the Member States to adopt laws, regulations or other measures to implement the provisions of the Convention.

Member States will need to decide on the type of fishing vessels, including artisanal and small-scale, that should be recommended to benefit from the fishing-labour standards. Further, there are provisions to "progressively implement" some of the provisions of the Convention with regard to certain categories of fishing vessels.


What is the 'progressive implementation' approach?

Although the concept of 'progressive implementation' is not defined, it is understood as a proviso to permit countries to implement certain identified provisions

of the Convention (see below) over a longer period of time. The Convention allows to “progressively implement” these provisions for vessels that are brought within its scope from the following categories: (i) vessels below 24 m in length; (ii) vessels undertaking voyages of shorter duration, often less than seven days; and/or (iii) vessels that do not undertake distant-water fishing operations; as well as to fishers working on board these vessels. The progressive implementation flexibility can only apply to the requirement of:

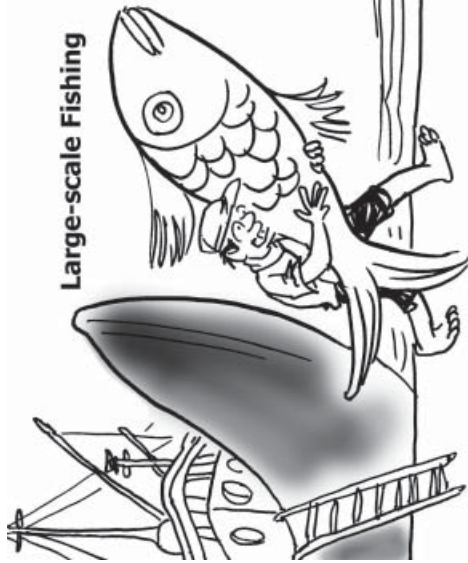
- fishers to hold a valid medical certificate attesting to fitness on board vessels that belong to the above three categories, as well as on board fishing vessels of 24 m and above that remain at sea less than seven days;
- fishing vessels to carry a crew list on board;
- fishing-vessel owners’ to ensure that each fisher has a written work agreement signed by both the fisher and the fishing-vessel owner, guaranteeing decent work and living conditions on board;
- risk evaluation, with the participation of fishers; and
- ILO Members to provide fishers with protection for work-related sickness, injury or death, including access to medical care and compensation in the event of injury due to occupational accident or disease, through a system of fishing-vessel owners’ liability or compulsory insurance, workers’ compensation or other schemes.

The progressive implementation approach benefits owners of fishing vessels of the above three categories, in particular, and it permits countries that would

ratify the Work in Fishing Convention, 2007, to implement the above provisions of the Convention over a protracted period of time. Such an approach is expected to contribute to widespread ratification of the Convention, since it addresses the infrastructural and institutional deficits in some countries that could hamper implementation of the Convention. 

Artisanal and Small-scale Fishing

Large-scale Fishing



Small-scale Fishing



Why is it important to consider labour standards even for small-scale fishing?

Technological developments in fisheries since the 1960s have led to widespread mechanization of fishing vessels and fishing operations. This has also resulted in small-scale and artisanal fishing vessels expanding their range of fishing operations. Consequently, there are significant changes, or need for changes, in the working and living conditions on small-scale fishing vessels.

The declaration of the 200-nautical-mile exclusive economic zone (EEZ) or exclusive fishing zone (EFZ) by many coastal States since the 1970s, combined with advancements in navigational and fishing technologies, has further led to unprecedented expansion of fishing opportunities for both large- and small-scale fishing vessels of coastal States in the EEZs/EFZs. Smaller vessels with navigational aids are now voyaging greater distances to undertake multi-day fishing operations, underscoring the importance of improving working and living conditions even on board small-scale fishing vessels, on par with large-scale fishing vessels. Distinct employer-worker arrangements can be seen in fishing operations employing vessels below 24 m in length. Some of the fishing operations are, therefore, gravitating towards an industrial mode of production.

The Work in Fishing Convention, 2007, could prevent labour conditions in small-scale fishing from being taken for granted, particularly in many developing-country fisheries. There is clearly a need for a legal framework to engage with the working and living

conditions in fishing worldwide, even in the small-scale subsector.

How would artisanal and small-scale fishers and fishing vessels benefit from the Work in Fishing Convention, 2007?

Although the Work in Fishing Convention, 2007, does not make any explicit reference to large- or small-scale or artisanal fishers or fishing vessels, its scope—subject to exceptions, exemptions and exclusions—encompasses all fishing operations. The provisions of the Convention that could potentially benefit small-scale fishing vessels include:

- minimum-age standards;
- medical examination;
- crew list;
- regular periods of rest;
- work agreement;
- regular payment;
- accommodation, food and potable water on board fishing vessels;
- medical equipment and medical supplies, including the need to have a fisher on board who is qualified or trained in first aid;
- right to medical treatment on shore;
- prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels;
- training of fishers in the handling of types of fishing gear;
- reporting and investigating accidents on board fishing vessels;

- health protection and medical care; and
- social security.

However, the artisanal and small-scale fishing operations that would benefit from the above provisions would depend, among other things, on whether or not particular categories of small-scale fishing operations are brought within the scope of the Convention. The small-scale categories that would potentially benefit from the Convention will be determined at the national level.

Does the Work in Fishing Convention, 2007, cover all categories of fishers and fishing vessels?

Under the Work in Fishing Convention, 2007, the definition of a “fisher” includes every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons on board who are paid in wages or on the basis of a share of the catch, as well as the self-employed. Thus, among others, not only fishers but also fish-processing workers on board fishing vessels fall within the scope of the Convention. The Convention has provisions to exclude inland fishing operations and certain limited categories of fishers or fishing vessels engaged in marine fishing, depending, among other things, on the length of the fishing vessel, the duration of the fishing trip, the area of operation, and the type of fishing operation. However, even if vessels are below 24 m in length, such exclusions cannot extend to vessels that remain at sea for more than seven days and that

WFC'07

Medical Care

Conditions of Service




navigate beyond 200 nautical miles, or beyond the outer edge of the continental shelf.

How would the Work in Fishing Convention, 2007, benefit all those involved in shore-based fishing activities?

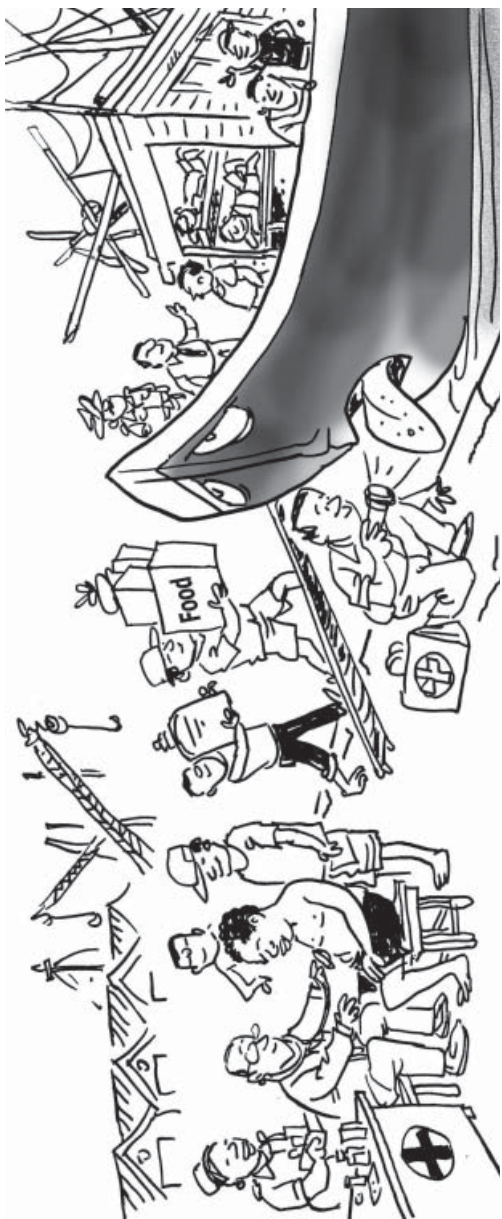
The definition of a fisher in the Work in Fishing Convention, 2007, excludes shore-based, or normally non-vessel-based, fishers, such as divers, shore-seine net pullers, seaweed harvesters, and people using cast-nets and other beach-operated gear, and those who fish on foot in the inter-tidal zone, even if they are full-time, and even if there are distinct employer and worker categories amongst them.

What can fishers' and civil society organizations do to ensure benefits to shore-based fishers similar to benefits that could accrue to fishers under the Work in Fishing Convention, 2007?

National campaigns should, among other things, help draw the attention of governments to non-vessel-based, full-time fishers, such as divers, gleaners of shellfish, and shore-seine fishers, as well as those involved in fishing-related work, particularly women who have a significant presence in such activities, in order to ensure that they also benefit from relevant provisions of the Work in Fishing Convention, 2007. Certain minimum requirements for: (i) hazardous work (such as diving, beach-seining in rough littoral seas or shell-gathering in turbulent inter-tidal zones); (ii) conditions of service (such as work agreement, hours of rest or mode of payment); (iii) occupational safety and

health protection; and (iv) medical care and social security, would help to improve the working and living conditions of shore-based fishers, too. 

The Way Forward



What are Member States expected to do on adoption and ratification of the Work in Fishing Convention, 2007?

Countries that ratify the Work in Fishing Convention, 2007, will have to report to ILO as to why certain categories of fishers or fishing vessels are excluded from the scope of the Convention, and what measures have been adopted to provide equivalent protection to the excluded categories. They have to further specify the requirements for sufficiently and safely manning fishing vessels for their safe navigation and operation, and for the safety and health of fishers. It will be necessary to develop standards regarding, among other things:

- periods of rest of sufficient length for fishers on board to ensure their safety and health;
- mechanisms to ensure regular payment of wages to fishers;
- provision on board fishing vessels of accommodation of sufficient size and quality;
- medical care, including the need to have at least one fisher on board who is qualified or trained in providing emergency medical care;
- recognition of the right of fishers to medical treatment ashore;
- prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels;
- provision of food and water on board fishing vessels of sufficient quality and quantity;
- training of fishers in the handling of types of fishing gear and in the knowledge of the fishing operations in which they would engage;

- reporting and investigating accidents on board fishing vessels;
- ensuring that fishers and their dependents are entitled to benefit from social security protection; and
- requiring fishing vessels to carry a document issued by a competent authority that the vessel has been inspected for compliance with the provisions of the Convention concerning living and working conditions.


As far as compliance with the requirements of the Work in Fishing Convention, 2007, is concerned, the flag States are required to undertake inspections, reporting, monitoring and complaint procedures, impose appropriate penalties and resort to corrective measures. There are further port-State provisions to report to the flag State, if vessels calling at its port are not conforming to the requirements of the Convention. The port States can also take measures to rectify any conditions on board such a vessel that are deemed hazardous to the safety or health of fishers.

Are there any special provisions to help developing countries implement the provisions of the Work in Fishing Convention, 2007?

The “progressive implementation approach” (see page 30) provides additional flexibility to developing countries, in particular, in implementing certain provisions of the Convention to categories of fishing vessels and fishers on board these vessels that are brought within the scope of the Convention.

What can fishers' and civil society organizations do to ensure that the Work in Fishing Convention, 2007, is implemented?


Campaigns should be undertaken at the national level to make sure that the Work in Fishing Convention, 2007, is ratified. Initiatives to develop or improve legislation at appropriate levels are also important to implement the Convention. Campaigns at the national level to seek the support of competent authorities, and employers' and workers' organizations, are important to help identify, through a consultative and participatory process, categories of fishers and fishing vessels that should be brought within the scope of the Convention, or that should be excluded, in the short or medium term. It is necessary, for instance, to identify all fishing vessels, regardless of size, that undertake fishing trips of more than seven days, and that fish beyond the continental shelf or beyond 200 nautical miles. Further, what types of fishing vessels below 24 m in length—and fishers working on these vessels—should be brought within the scope of the Convention will depend, among other things, on the duration of the fishing trip, the area of operation and the type of fishing operation. In addition, fishers and fishing vessels that should be exempted from—as well as exceptions that should be made to—some of the provisions of the Convention should be identified. It is also necessary to identify the provisions of the Convention that should apply to all fishers. Thus, for example, minimum-age requirements, regular payment and social security could be seen as provisions that should apply to all fishers.

Many developing countries suffer from poor infrastructure and weak institutions. Building up the enforcement capacity of governments would need a major reorientation, or streamlining, of fisheries, maritime or fishing-vessel safety authority and labour administration. Only such a shift can help developing countries adopt legislation to implement the Work in Fishing Convention, 2007. This should enable them also to look at fishing vessels below 24 m in length—and fishers on board such vessels—from a labour perspective, hitherto rarely done in most developing countries. 

Conclusion



Some Concluding Observations

The Work in Fishing Convention, 2007, provides the key elements of a labour standard in the fishing sector with regard to recruitment of fishers, improving living and working conditions on board fishing vessels, and providing social security. It can protect fishers against inhuman working conditions, and should help improve the working and living conditions of fishers, both in large- and small-scale fishing operations, around the world. While addressing the Fishing Committee in 2004, the Secretary-General of the ILC observed: “It is clearly important that no fisher slips inadvertently through the protective net of the Convention... . For this to be achieved, the mesh of this net must be just right: not too large that everything is exempt, but not so small that it would stifle ratification and implementation.” Governments, fishers’ and employers’ groups and non-governmental organizations should work together to implement the Work in Fishing Convention, 2007, all over the world. 

— Prepared by the International Collective
in Support of Fishworkers (ICSF)

www.icsf.net
icsf@icsf.net

Understanding the Work in Fishing Convention, 2007

This guidebook attempts to provide a quick overview of the Work in Fishing Convention, 2007, which was adopted in Geneva, Switzerland, in June 2007 at the 96th International Labour Conference (ILC) of the International Labour Organization (ILO). It does not purport to provide interpretation of any provisions of the Convention and should not in any way be treated as a substitute for the actual provisions it contains. This guidebook is intended mainly to help those unfamiliar with the Convention and the working of the ILO and the ILC, gain some understanding of the relevant issues. In particular, it is hoped that the guidebook will aid fishworkers and their organizations understand the possible benefits and implications of the Convention for artisanal and small-scale fisheries in developing countries.

This guidebook is also available online at www.icsf.net

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