

Better Fishing, Better Living

The Second Regional Meeting on Work in Fishing: ASEAN Review of 'Guidelines on Flag State Inspection of Working and Living Conditions on Board Fishing Vessels' was held in Jakarta

The first Association of Southeast Asian Nations (ASEAN) regional meeting on the protection of migrant fishers, organized by the International Labour Organization (ILO) and the Indonesian government in Makassar in 2013, focused on sharing good practices and enhancing the knowledge base on the protection of migrant fishers. The second ASEAN regional meeting, held in Jakarta on 28 and 29 April 2015, sought to review, among other things, international standards on work in fishing and to share developments in relation to national policy and legislation on flag-State and port-State controls. It

Exploitation in the ASEAN Region (ASEAN TRIANGLE) Project promoted the rights of migrant fishers. ILO would adopt a sectoral approach, she said, to address vulnerability, abuse and exploitation faced by fishers. She informed that a gap analysis of the Work in Fishing Convention (C.188) and the Indonesian laws and regulations was undertaken. She drew attention to the regional dimension of fisheries in Southeast Asia, especially about the Burmese working on board Malay and Indonesian vessels and about widespread illegal, unreported and unregulated (IUU) fishing in the region. She hoped C.188 could become the labour standard for fishing in Southeast Asia.

Bronwyn Robbins, Deputy Head of Mission, Australian Mission to ASEAN, drew attention to irregular migration, trafficking and smuggling, and the risks of exploitation of migrant fishers from recruitment agencies, employers and others. She sought robust migration- and labour-governance systems in the region and drew attention to addressing human trafficking, slavery and slavery-like conditions in fishing through the 2002 Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Migrant fishers

Matthew Straub, First Secretary (Development), Embassy of Canada, said his country supported ILO in promoting and protecting the rights of migrant fishers in the ASEAN region since migrant fishers in the region are the most vulnerable and exploited in the fisheries sector.

The meeting was supported by Australia, Canada and the Southeast Asian Fisheries Development Center (SEAFDEC).

also attempted to identify concrete follow-up measures for national-level capacity building, and bilateral and regional co-operation on the protection of migrant fishers. The meeting was supported by Australia, Canada and the Southeast Asian Fisheries Development Center (SEAFDEC).

The meeting began with four opening remarks. Michiko Miyamoto, Officer in Charge, ILO Jakarta, welcomed the participants. She mentioned how the Tripartite Action to Protect Migrant Workers within and from the Greater Mekong Subregion from Labour Exploitation (GMS TRIANGLE) Project and the Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers from Labour

This report has been written by **Sebastian Mathew** (icsf@icsf.net), Programme Adviser, ICSF

Roostiawati, Director for International Co-operation, Ministry of Manpower, the Government of Indonesia, said the maritime sector of an archipelagic State like hers had a huge potential to boost its national economy. Indonesia aspires to become a world maritime nation, she said, and is in the process of ensuring that its national regulations meet international standards, especially to protect workers in vulnerable conditions. It is imparting training to raise awareness and is also providing tools for greater safety at work. The Indonesian government now has a new ministry to undertake intensive co-ordination with other ministries on maritime issues. The protection and welfare of fishers is an issue of concern for all ASEAN Members. In this context, Indonesia supports bilateral and regional co-operation among ASEAN Member States. Challenges facing both workers and employers need to be addressed through new legislation, she said, especially to realize decent work in various sectors, including fishing. Concrete steps were needed to protect fishers, especially migrant fishers.

During Session 1 of the meet, 'Protection of migrant fishers, a regional concern', Max Tunon, Senior Programme Officer/Project Co-ordinator, GMS TRIANGLE Project—a five-year project (2010-2015) supported by the Australian government, operational in Cambodia, Lao People's Democratic Republic, Malaysia, Myanmar, Thailand and Vietnam—highlighted the need for protecting migrant fishers. He described different types of labour flows in fisheries from, and within, the ASEAN region. There is, on the one hand, a regular flow of migrant fishers within the Mekong Region. On the other hand, there is legal migration of fishers from Indonesia, the Philippines and Vietnam to work on board Taiwanese, Korean and Japanese fishing vessels. The Vietnamese undergo pre-departure training, especially in regard to sea safety in fisheries, he noted. A third flow involves migrant fishers from Indonesia,

Cambodia and elsewhere to European fishing vessels.

Tunon drew attention to the forthcoming meeting of experts to adopt a set of flag-State guidelines for the implementation of C.188 in Geneva in September 2015, and requested the ASEAN Member countries and social partners to feed into the process to ensure that Asia's voice is heard, given how much of the world's fishing occurs in the region, especially to address the double vulnerability of migrant fishers—vulnerability as migrants and vulnerability as fishers. He clarified that specific protection existed for migrant fishers and that all international labour standards applied to them, unless otherwise stated. The Migrant Workers (Supplementary Provisions) Convention, 1975 (C.143) promoted equality of treatment of migrant workers and nationals, including in respect of trade-union rights, regardless of status. The Private Employment Agencies Convention, 1997 (C.181) prohibited private employment agencies from charging any recruitment fees to workers. He also mentioned how the Indonesian and Filipino migrant fishers in Taiwan (China) are permitted to form their own unions.



Burmese migrants working on a Thai boat at Samut Sakhon, Thailand. The fisheries sector provides employment and livelihood opportunities to millions of workers in the region

The fisheries sector plays an important role in the regional economy by providing employment and livelihood opportunities to millions of workers in the region. It also plays an important role in meeting domestic food security. There is limited flexibility for fishers in changing employers. There are pay-related concerns, especially regarding how wages were calculated. Migrant fishers were reluctant to lodge complaints due to fear of retribution and non-renewal of work permits. Sending remittances was onerous for long-haul fishers: in one case, sending money through a Cambodian broker could cost as much as 25 per cent of the fisher's wages as service fee. There was need for cheaper ways of transferring money. These vulnerabilities were further exacerbated by the language barrier. Industries in global supply chains, especially in the electronics industry, intended to move hiring fees to employers, he said. Similarly, recruitment fees need not be charged to migrant fishers. The restrictions around organizing migrant workers in the seafood processing industry should be overcome. There was also need to pay attention to training in sea safety. In addition, there was need

he said, putting pressure on marine fisheries resources, exacerbating IUU fishing and also leading to cases of trafficking and forced labour.

The State may have a role as flag State, labour-supplying State, port State, coastal State and a market State, or a combination of these, in relation to marine fishing. International standards and developments on the protection of fishers include the 1982 United Nations Convention on the Law of the Sea (UNCLOS), International Maritime Organization (IMO), Food and Agriculture Organization of the United Nations (FAO) and ILO instruments. Duties of the flag State under UNCLOS include jurisdiction and control in "social matters" over ships and fishing vessels flying its flag. The IMO Cape Town Agreement of 2012 deals with the safety of fishers and fishing vessels. The 1995 Code of Conduct for Responsible Fisheries (CCRF) and the 2014 Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication are significant FAO instruments in relation to fisheries. In addition to C.188, ILO's decent work agenda to promote decent and productive work in conditions of freedom, equity, security and human dignity, together with instruments dealing with migrant labour, freedom of association, social security and labour inspection, are relevant for fishing and fishers. ILO instruments, in general, deal mainly with different aspects of labour and employment. There are several "sectoral" conventions that address the specificities of economic sectors, such as mining, shipping and fishing. The MLC, 2006, though covering commercial ships and seafarers, excludes fishing vessels.

There are often several gaps in the legal protection of working conditions of fishers. C.188 is an effective tool to help identify and fill these gaps. Ratifying States are to have in place, or adopt, laws, regulations or other measures to implement the Convention. Consultation with employers and fishers was stressed.

Fishers, in addition, frequently work long hours and may have to spend long periods at sea, often enduring prolonged fatigue.

to address environmental concerns related to fishing as well as promote decent work in fisheries, he said.

Brandt Wagner, Unit Head, Transport and Maritime, ILO Sector, said fishing in the marine environment often has been labour-intensive and it also involves working with dangerous equipment. Fishers, in addition, frequently work long hours and may have to spend long periods at sea, often enduring prolonged fatigue. Fishers are commonly paid, based—in whole or in part—on a share of the sale of the catch. The fishing industry is increasingly globalized,

The Convention calls for designation of the competent authority or authorities in the State responsible for implementing its provisions and calls for the establishment of co-ordination mechanisms among relevant authorities. C.188 contains several types of flexibility provisions, which generally are aimed at smaller vessels and those remaining at sea for short periods.

He urged translation of C.188 into national languages and the undertaking of comparative or 'gap' analyses of national laws, regulations or other measures vs those called for in the Convention. Among other things, the gap analysis process, he observed, provides a good basis for national, tripartite discussion on what is needed to improve the legal protection of fishers with respect to working conditions on board fishing vessels. Once a member country ratifies C.188, and the Convention enters into force, a ratifying State is required to submit reports to the ILO on how it is implementing the Convention. These reports are reviewed by the ILO supervisory system, which helps guide States towards full implementation.

The gap analysis process is currently underway in several countries, including Namibia, Kiribati, Indonesia, the Philippines, Ivory Coast and Madagascar. There is an agreement of social partners in Europe to ratify C.188. The new Ministerial Regulation No. 10 in Thailand in respect of marine fishing draws upon C.188 to lay down new requirements aimed, among other things, at improving occupational safety and health, controlling excessive working hours and ensuring that fishers have written work agreements.

Some of the major issues related to fishing in the ASEAN region that were raised included hours of rest, accommodation, and recruitment and placement. Countries in the region can learn from the experiences in the implementation of the MLC, 2006, he said, which has already been ratified by Malaysia, the Philippines, and Vietnam. The MLC, 2006 addresses many of the same issues dealt within



A fishmarket in Dubai where cheap immigrant labour is used to dress the fish bought by restaurants, which is hard work, especially in summer when the heat is intense

C.188, such as recruitment, placement and repatriation. Implementing C.188 will help to prevent trafficking, forced labour and child labour in fishing and can also contribute to sustainable fishing practices. He informed the meeting that in 2017 ILO will hold an international meet on migrant labour in fishing.

A participant from Myanmar observed that a fisher is stripped of his identity on board a Thai-owned fishing vessel and she sought government-to-government memorandums of understanding (MoUs) for hiring migrant fishers in a legal way to work on board fishing vessels. Incentives for registering migrant fishers are currently absent. There was need for more discussion at the regional level, she said. The responsibility of the ownership State needs to be highlighted, pointed out a representative of the Workers' group. It was also pointed out that no international regulations exist on the maximum duration of a fishing trip.

Coastal-State provisions

In response to a comment that C.188 does not have any coastal-State provisions, Wagner drew attention to guidance in the non-binding Work in Fishing Recommendation (R.199), which accompanies Convention No. 188, which provides, among other things, that a ratifying State, in

AREELUCK PHANKHIAN / ILO



currently focuses more on fishing and less on fishers who catch and process fish, she observed. ITF/IUF have developed initiatives such as 'Slave Free Seas' and the repatriation of abandoned fishers, and are working with Interpol, FAO and other agencies on human trafficking in fisheries, and to improve visibility of workers in the fisheries industry.

Sutee Rajruchithong, Head of the Ship Division of SEAFDEC, stressed, in his presentation, the links between fisheries management and labour issues. He drew attention to the 2011 ASEAN-SEAFDEC resolution on sustainable fisheries for food security, which also included recommendations to improve working conditions in fisheries and to ensure safety of fishing vessels. The draft regional plan of action on management of neritic tuna and management of fishing capacity for the ASEAN region also included, he said, requirements to address working conditions and other labour issues.

Towards improving global perceptions of working and living conditions, particularly on board Thai fishing vessels, Rajruchithong described several joint initiatives of the Thai Department of Fisheries and SEAFDEC since 2010 to reduce crew size, improve hygiene and reduce accidents at sea while fishing. These initiatives, however, have neither improved onboard management to prevent social problems on crowded fishing vessels, he observed, nor reduced operating costs or accidents at sea. The lack of success was attributed to engaging on board these vessels irregular or undocumented migrant fishers of multiple nationalities without any training whatsoever.

Labour issues

The SEAFDEC Council Meeting 2015 has recommended labour issues be dealt with at a high-level consultation to guarantee the competitiveness of ASEAN fish and fishery products in the global seafood market. Rajruchithong listed several outstanding issues to be addressed and sought a specific mandate on labour in fishing for

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Migrant workers in a seafood processing factory at Samut Sakhorn, Thailand. The restrictions around organizing migrant workers in the seafood processing industry should be overcome

its capacity as a coastal State, when granting licences for fishing in its exclusive economic zone (EEZ), may require that fishing vessels comply with the requirements of C.188.

Liz Blackshaw, Fisheries Programme Leader, International Transport Workers' Federation (ITF), said ITF's involvement with fisheries in the Western Pacific started with rendering assistance to repatriating abandoned fishers of a Filipino fishing vessel from Papua New Guinea in 2004. ITF, together with the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), has a global fisheries programme to organize workers across the fisheries industry to ratify C.188, to contribute to reducing child labour, forced labour and human trafficking in fisheries and to combat IUU fishing towards improving sustainability and thus to protect workers in the fisheries industry. Governance of the fishing industry

SEAFDEC and, in the context of Thailand, to extend the current level of co-operation between SEAFDEC and the Thai fisheries administration to the Thai Ministry of Labour and ILO.

Kamolpak Lertpaiboon, Chairperson, National Fisheries Association of Thailand (NFAT), gave the employers' perspective on the protection of migrant fishers. NFAT was founded in 1964. Its membership comprises 53 associations, ranging from sub-district, district, provincial and sub-regional to regional as well as national associations, including fisheries co-operatives and even small-scale fisheries groups. As of 2015, over 1,000 pair trawlers, over 8,300 vessels operating non-trawl gears as well as 63 carrier vessels are registered as members of the association. NFAT has been working with ILO since 2011. Towards dealing with trafficking in persons in fisheries, NFAT is raising awareness amongst its membership about human trafficking issues. It is working with officials to eliminate illegal recruitment agencies. It is also in the process of setting up labour recruitment centres. As part of the TRIANGLE project, NFAT is developing a code of conduct for employers of fishing vessels to protect all fishers, based on good practices in recruitment, employment and protection of migrant workers in the fishing sector, as well as developing occupational safety and health modules for fishers.

Endroyono, Head, Sub-Directorate of Fisheries Labour and Manning of Fishing Vessels, Directorate of Fisheries Vessel and Gears, Ministry of Marine Affairs and Fisheries (MoMAF), Indonesia, observed it was agreed during the first Regional Meeting on Work in Fishing in Makassar in 2013 that C.188 and other ILO instruments related to migration and private employment agencies can provide legal protection to migrant fishers in the region. The governments in the ASEAN region also agreed during this meeting to undertake a gap analysis of their respective national laws and regulations to meet the requirements

of C.188 and to move towards ratification of C.188.

Referring to the gap analysis in the context of Indonesia, Endroyono said the total number of fishers in the Indonesian marine capture fisheries has decreased by more than a million over the last decade—from 3.8 mn fishers in 2003 to 2.6 mn fishers in 2013. Over 200,000 fishing vessels, including thousands of open-decked boats below 21 m, operate not only from over 800 ports under MoMAF, but also from public ports under the jurisdiction of the Ministry of Transport (MoT). The design of fishing vessels was such that the operation of fishing gear from these vessels required a large labour force.

Inadequate security in several ports forced fishers to stay on board fishing vessels even if these were not undertaking fishing. Both MoMAF and MoT have different administrative procedures for the use of ports under their control. There are four categories of Indonesian fishers working on board fishing vessels, he said. These are the fishers working on board: (i) Indonesian fishing vessels in its archipelagic waters; (ii) Indonesian fishing vessels in its EEZ and the high seas; (iii) foreign-flagged fishing vessels in the Indonesian EEZ; and (iv) foreign-flagged fishing vessels in

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other EEZs and the high seas. While the Indonesian-flagged vessels in the fisheries management areas of Indonesia are required to employ only Indonesian nationals on board these vessels, the foreign-flagged vessels in the Indonesian EEZ are required to ensure that at least 70 per cent of fishers on board are Indonesian nationals. In addition to MoT and MoMAF, the ministries having competence over placement and protection of fishers on board fishing vessels are the Ministry of Manpower

and Transmigration (MoMT) and the Ministry of Justice and Human Rights, especially the Directorate General of Immigration (DGI).

The attention of MoMAF is mainly confined to fishers, as well as fishing vessel operations, fishing gear deployments and fish-handling activities on board, and rarely to labour issues, he said. Fishing competence, recruitment, placement and employment protection of fishers, for example, are not addressed

Significant gaps were identified in relation to almost all provisions of C.188.

by MoMAF. Labour regulations administered by MoMT, in general, focus on labour arrangements on land or on board ships, and rarely, if ever, on fisheries. Further, MoT deals with sea-based commercial services such as transportation of goods and people, while DGI looks after the immigration needs of Indonesian fishers on board foreign fishing vessels in waters outside the national jurisdiction, and of foreign fishers within the Indonesian waters. MoMAF deals with fishing vessels as a unit of production, and MoT with ships as a unit of service.

Significant gaps were identified in relation to almost all provisions of C.188. The use of terms in national legislation is different from C.188, for example. There is no definition in national legislation of ‘subsistence fishing’, ‘wage’, ‘fishing vessel owner’, ‘skipper’, etc. Fishing vessel owners had little responsibility under national legislation towards the health of fishers on board and the minimum age for work on board fishing vessels. There was no agency designated for the protection of fishers. There was also dearth of an effective mechanism to report accidents at sea while fishing. There were conceptual problems with the fishers’ work agreements and the seafarers’ employment agreements as well. Since a fishing vessel was a unit

of production, it was difficult to specify minimum hours of rest on board fishing vessels, he observed. In spite of fishing being more dangerous than seafaring, the gap analysis revealed the paucity of social-security protection afforded to fishers in sharp contrast to the level of protection extended to the Indonesian seafarers. Similarly, in the event of an accident, a migrant Indonesian fisher was entitled to only half the compensation that was paid to a seafarer in a similar situation. The gap analysis proposed MoMAF to be the lead ministry to deal with the implementation of C.188.

Alvin B Curada, Attorney IV, Legal Service, Department of Labour and Employment (DOLE), Government of the Philippines, spoke of the gap analysis on C.188 being undertaken in the Philippines, especially to determine the extent to which the Philippine national laws and regulations complement C.188 with respect to fishers on board commercial fishing vessels. It was a work in progress, with the analysis to be completed by June 2015. As a first step, a Memorandum of Agreement has been signed between DOLE, the Department of Transportation and Communication and the Department of Agriculture to harmonize government interventions to ensure that fishers have decent conditions of work on board fishing vessels. The Bureau of Fisheries and Aquatic Resources, the Maritime Industry Authority, the Philippine Coast Guard and the Philippine Fisheries Development Authority are the concerned agencies to co-ordinate their action to achieve this goal, he observed.

RFMOs

Considering that the ASEAN Member States like the Philippines and Indonesia are members of regional fisheries management organizations (RFMOs) such as the Western and Central Pacific Fisheries Commission (WCPFC) and the Indian Ocean Tuna Commission (IOTC), it was asked if any of these RFMOs require vessels fishing in their areas of competence to also comply with C.188. It was clarified

that while in the Philippines the same flag-State legislation would apply to the archipelagic waters, EEZ, other EEZs and the high seas, the legislation that would apply to fisheries in the Indonesian archipelagic waters would be different from the legislation that would apply to fisheries in the EEZ and the high seas. It was also clarified that the competence of WCPFC and IOTC did not extend to the Indonesian archipelagic waters (internal waters).

Carrier vessels do not fall within the purview of C.188 and a participant expressed concern that hundreds of such vessels are in operation in the Indo-Pacific region, including many flying the Indonesian and the Philippine flags, and that fishers are accommodated, transferred or exchanged at sea between fishing vessels with the help of carrier boats. Wagner clarified that carrier vessels are included under “special purpose ships” of the MLC, 2006. Reports to ILO under Article 22 of the ILO Constitution on measures to give effect to the provisions of MLC should include how rights of fishers on board carrier vessels are protected, it was suggested. An Indonesian participant pointed out that under Indonesian law, while a carrier vessel plying from the fishing ground to the port is under the jurisdiction of MoMAF, one from a port to another port would come under the jurisdiction of MoT.

Manoch Sangkaew of the Department of Labour Protection and Welfare, Ministry of Labour, Thailand, presented the reforms made to the Ministerial Regulation concerning Labour Protection in Sea Fishery Work in 2014. Firstly, the revised Regulation applies to all Thai fishing vessels, even if a vessel engages only one fisher on board. Secondly, a minimum wage of Baht 300 per day per fisher has been introduced. Thirdly, the minimum age for work on board a fishing vessel has been raised to 18 years. Fourthly, a minimum period of rest not less than 10 hours in any 24-hour period and 77 hours in any seven-day period has been introduced. Fifthly, an employment contract has been

introduced between the employer and the fisher, a copy of which is provided to the fisher to be produced to the labour inspector. Sixthly, a fishing vessel with more than 10 fishers has to make the record of fishers available to the labour inspector for verification. Seventhly, payment of wages is to be documented in the Thai language and produced for verification by the labour inspector. Eighthly, the employer is to provide water, food, medicine and hygienic toilets of quality. Ninthly, the employer is to provide information to fishers in the handling of types of fishing gear and fishing operations as well as on how to live on board a fishing vessel.

Levin C Alcantara, Director, the Philippine Overseas Employment Administration (POEA), DOLE, spoke of recruitment of migrant fishers for overseas employment to Taiwan (China) and non-Taiwan fishing vessels. The Philippines had 1.7 mn migrant workers in 2014, of which 397,170 were sea-based workers. The total number of migrant fishers has increased more than four-fold: from 1,477 in 2009 to 6,440 in 2014. In addition to Taiwan (China), the Filipino migrant fishers are working on board fishing vessels of at least 30 flag States, including China, United Kingdom, United States, South Korea and Japan.

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Port area of Mangalore, India. To preserve its catch of fish, each fishing boat loads between 2000 and 3000 kg of ice before it goes out to sea and the loading is often done by children

THIERRY FALISE / ILO



Burmese migrants on board a fishing vessel at Samut Sakhon, Thailand, where incentives for registering migrant fishers are currently absent

Regarding remuneration, the basic pay was to be not less than NT\$19,273 (US\$617) per month, as per the Taiwanese Labour Law. The overtime was to be not less than 30 per cent of basic pay; and NT\$1 (US\$0.032) was to be paid as incentive per fisher, per tonne of fish caught. There were Philippine Overseas Labour Officers in Taipei and Kaohsiung to address complaints arising from employment. In the Philippines, POEA looked into contract violations, and the National Labour Relations Commission (NLRC) into issues related to payments.

The Philippine “imperative” for its migrant fishers include: promoting ethical recruitment practices; adopting standard employment contracts; having bilateral labour agreements; undertaking anti-human trafficking and anti-illegal recruitment campaigns, applying relevant instruments like C.188 and IMO’s 1995 International Convention on Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F); strengthening monitoring of Filipino fishers and documenting accidents on board fishing vessels, in co-operation with the appropriate host-country agency; and developing emergency relief assistance mechanisms, it was observed.

Quota management system

George Mason, General Manager, Labour Inspectorate, Ministry of Business, Innovation and Employment, Government of New Zealand, spoke of protection of migrant fishers in the New Zealand fishing industry, which is a billion-dollar industry with 1,300 fishing vessels. New Zealand has a fully regulated fishery under a quota management system. There are about 20 foreign chartered fishing vessels (FCVs) in 2015 flying the flag of Ukraine, Republic of Korea, Dominican Republic and Japan that account for 20 per cent of the catch value (US\$240 million). There are about 2,000 fishers working on board these vessels from Ukraine, Indonesia, the Philippines, Korea and Japan. There were increasing concerns regarding underpayment of wages, breaches of fisheries rules, and unsafe working

The total number of Filipino fishers in Taiwan is about 1,320. The modality of recruitment, he said, involved accrediting recruitment agencies to the Philippine Overseas Labour Office (POLO). The manning agreement had to be authenticated by both the Manila Economic and Cultural Office (MECO)—the Philippine Representative Office of Taiwan—and POEA. Details of vessel registration in Taiwan, valid fishing licences, certification of membership in a Taiwanese fishers’ association, and the salary schedule of fishers were to be produced to authenticate the manning agreement. Licensing of the Philippine-based private employment agencies as well as the documentation of fishers is done through POEA. The latter required attending pre-deployment orientation seminars at the POEA Sea Based Centre; verifying fishers’ contracts; complying with the guidelines on the deployment of Filipino fishermen boarding Taiwan fishing vessels in the Philippine ports; and issuance of Overseas Employment Certificates. The terms of employment included: job classification, wages, working hours, overtime pay, food and accommodation, transportation, vacation and sick leave, emergency medical and dental services, compensation and benefits and mandatory insurance coverage.

conditions as well as unsafe vessels under the FCV regime. The government was concerned that the actions of some FCVs were damaging New Zealand's reputation for sustainably and responsibly caught seafood, which led to a Ministerial Inquiry to examine the use and operation of FCVs. Based on the Inquiry Report, dated February 2012, several reforms were adopted, including full observer coverage on board all FCVs, minimum employment standards for migrant fishers, clear responsibility for vessel owners employing migrant fishers, and improved inter-agency co-ordination of monitoring and risk management. According to a new legislation adopted by the New Zealand Parliament in August 2014, all fishing vessels in its EEZ are required to fly the New Zealand flag by 1 May 2016. This would mean all time charters, or those leasing a fishing vessel with crew, have to be converted to demise charters, or those leasing a fishing vessel without crew. Maritime requirements and employment conditions that would otherwise apply to a New Zealand workplace would also then apply to fishing vessels. While the former would include new manning requirements, qualifications for fishers on board, and safety standards for fishing vessels, the latter would include minimum New Zealand wages and safe working conditions. Although the new regulations have led to the exit of some fishing vessels and more focused regulatory action, they are yet to bring greater transparency in the employment and remuneration arrangements in marine fishing, he observed. The pressure to reform the New Zealand fishing industry came from within the country, he added, whereas in Thailand, such pressures came from outside the country.

Jean-Marie Kagabo of the Special Action Programme on Forced Labour, ILO, presented the proposed global programme on forced labour in the fisheries sector. He also briefed the Jakarta Meeting about the forthcoming conference in Oslo (28 to 29 October 2015) on possible good practices and innovative

solutions to combat forced labour and trafficking in fisheries. It was observed by one participant that in Southeast Asia, in some cases, what would initially be voluntary labour on board a fishing vessel, would end up as forced labour on board the same vessel or others due to various factors. In some other cases, migrant workers recruited for one activity would end up as forced labour on board fishing vessels, commented another participant. It was observed that fishers are victims of forced labour and they should not be criminalized. It was suggested that indicators for forced labour should be developed.

The Jakarta Meeting continued on Day 2 to discuss the draft guidelines on flag-State inspection of working and living conditions on board fishing vessels, followed by group discussions, particularly focusing on enhancing the protection of migrant fishers and sharing of reports. 3

For more



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Philippines Overseas Employment Association

www.ilo.org/wcmsp5/groups/public/-/asia/---ro-bangkok/documents/meetingdocument/wcms_381997.pdf

Summary of Discussions : Second Regional Meeting on the Protection of Migrant Fishers: ASEAN Information Sharing on 'Guidelines on Flag State Inspection of Working and Living Conditions on Board Fishing Vessels'

www.ilo.org/asia/whatwedo/projects/WCMS_193023/lang--en/index.htm

Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE project)