

Fishers

Towards decent and safe work

Excerpts from the Report of the Committee on the Fishing Sector
presented to the 92nd Session of the International Labour Conference

Introduction

8. Highlighting some of the issues to be discussed, the speaker noted that the scope provisions were broadly formulated, but with flexibility as to possible exclusions. They covered all fishers, types of vessels and areas where fishing operations took place. The aim was to provide protection for fishers working on small vessels close to shore, as well as for those working on distant-water vessels that remained at sea for extended periods. Finding the appropriate balance of protection for different categories of fishers was an important challenge. The proposed Conclusions contained two Annexes. Annex I contained the particulars to be included in fishers' work agreements and, as currently proposed, would have the same legal status as the Convention text. Annex II contained specifications concerning accommodation and thus complemented Part V of the proposed Conclusions. Finding the appropriate balance between mandatory and non-mandatory requirements regarding accommodation would be important.

General discussion

11. The Employer Vice-Chairperson noted that a new instrument for the fishing sector was being discussed despite the existence of five earlier Conventions and two Recommendations. The Committee should be guided in its deliberations by an understanding of the reasons why few governments could ratify the existing instruments. Widespread ratification of the new instrument was an important goal. About 90 per cent of employment in the fishing sector was on micro- and small fishing vessels; only 5 per cent was on large fishing vessels. Micro- and small enterprises were common in both developed and developing countries. The

Conclusions should aim for flexibility and balance so as to provide basic protection for all fishers, without eroding the standards enjoyed by some. Forty years had elapsed since the adoption of the last standard for the fishing sector and many changes had affected the industry. The primary goal of the ILO was to promote opportunities for men and women to obtain decent and productive work, and that meant the creation and maintenance of decent jobs. Improvements in the living and working conditions of fishers would undoubtedly lead to greater productivity as well. Her group was willing to engage in frank discussions for the purpose of developing a Convention accompanied by a Recommendation, with a view to maintaining jobs, promoting economic development and providing basic protection for all fishers.

18. The Government member of the United Kingdom stated that the proposed Conclusions provided an excellent basis for discussion and provided the basis for a widely ratifiable Convention. The main principles were set out clearly and concisely, but took account of the diverse nature of the fishing industry. The main responsibility for ensuring that standards were implemented and enforced was placed on member States in relation to their flag fishing vessels, which was entirely appropriate given the predominance of small vessels and operations in the sector.

25. The Government member of Japan stated that lack of realism had prevented the earlier Conventions on working conditions in the fishing sector from achieving wide ratification. The proposal of the Office to consolidate the existing instruments into a new comprehensive standard more acceptable to member States was significant. To achieve this, the

text would need to take into account more fully national law and practice as well as the reality of fishing operations, particularly in small-scale family-run enterprises.

36. Various issues were raised by a number of delegations concerning small-scale family-run fishing operations, which accounted for most workers in the sector. The Government member of El Salvador described the progress in occupational safety and health in his country and asked the Committee to take these advances into account as it considered the situation of small-scale and artisanal fishers. The Government member of the Bahamas added that undue financial pressures on family-operated small-scale fishing boats should be avoided. The Government member of Greece highlighted the need to ensure the ongoing operation of traditional fishing vessels.

39. The Government member of India cited the FAO Code of Conduct for Responsible Fisheries (1995), which recognized the importance of safety issues, including working and living conditions, occupational safety and health standards, education and training, safety of fishing vessels, search and rescue, and accident reporting. There was a need for awareness raising, proper training and the provision of life-saving appliances, but the lack of resources most affected

small-scale fishers who depended on fishing for their livelihoods.

47. A representative from the International Collective in Support of Fishworkers (ICSF) referred to his organization's work on behalf of artisanal and small-scale fishers and fishworkers. ICSF welcomed the proposal to broaden the definition of "commercial fishing" to include all but subsistence and recreational fishing in marine and inland waters. Small-scale fishing occurred in all waters. Fishing operations were changing rapidly around the world. Working and living conditions on board small-scale fishing vessels were being radically redefined with implications for employment, income, safety, health and social security of fishers. ICSF welcomed the ILO's efforts to develop new inclusive, yet flexible standards for the fishing sector, as these would facilitate the development of relevant and meaningful national legislation for both large and small-scale fishing vessels. It was important, however, to avoid dilution of existing standards for industrial fishing vessels.

48. The Employer Vice-Chairperson had listened with interest to the various comments from Government members, especially those concerning a desire for an instrument that would be flexible, not too prescriptive and thus more easily ratifiable. The instrument should tackle

broad issues in the fishing sector. The speaker expressed a note of caution with regard to the categories of vessels. There was no desire to erode the standards attained on larger vessels, but it was important to avoid an overly prescriptive instrument for small vessels, which accounted for 90 per cent of employment in the sector. The proposed Conclusions referred to social security protection on conditions no less favourable than for other categories of workers, but in most developing countries there was no unemployment insurance and little social security. This highlighted the need to consider the applicability of the text at the national level. Another example was that of medical examinations: in some countries they were mandatory, in others they were not. The Employers' group would prefer not to set up a working party, since the loss of expertise of Committee members would dilute the plenary discussions

68. The secretary of the Employers' group asked the Office whether the instrument would apply to a person who owned and operated his own small boat, that is, a truly self-employed person, not a contract worker.

72. The Government member of India expressed concern for small-scale fishers in his country, whose economic condition and limited education prevented them from acquiring, operating and maintaining costly communications equipment and other appliances that would be mandatory under some provisions of the current text. Because provisions should not be detrimental to the livelihoods of these fishers and their families, exclusions should be possible for vessels operating within territorial waters. Finally, a definition of "commercial fishing" should be included in the text.

75. The secretary of the Workers' group expressed gratitude to those Governments that did not wish to reduce existing protection, but reminded the Committee that adoption of the new Convention would replace previous instruments and close the door to their further ratification. The Workers' group had been placed in the difficult position of having to choose between offering

coverage to small fishers, but possibly abandoning the protection currently provided by existing Conventions. This would be a matter for the most serious deliberation by the Workers' group.

Examination of the proposed Conclusions contained in Report V (2)

c. Proposed Conclusions with a view to a convention

Part IV. Conditions of service

IV.2. Fishers' work agreements and list of persons on board

545. The Government members of Denmark and Norway submitted an amendment to insert after the words "fishing vessel" the words "with a length of 24 metres or above". The Government member of Denmark explained that the current text covered all fishing vessels and would introduce a very bureaucratic system for small fishing vessels. The proposal sought to introduce a limit so that very small fishing vessels would not be covered by this requirement.

548. The Employer Vice-Chairperson rejected the amendment. The Committee had earlier agreed on the principle that there would be no categorization of fishing vessels. The important point was to know the number of fishers on board. She reminded the Committee that 90 per cent of fishers worked on small vessels.

Part VI. Health protection, medical care and social security

VI.1. Medical care

633. The Employer members submitted an amendment to add the words ", taking into account the area of operation and the length of the voyage", after the word "advice". Small vessels, operating close to the coast might not need such communication equipment. The Government member of Denmark withdrew an identical amendment.

VI.2. Occupational safety, health and accident prevention (parts taken from the second preliminary draft CMLC)

657. The Employer Vice-Chairperson said that employers were equally concerned about risks on board fishing vessels and the dangers inherent in fishers' jobs. But

she doubted that independent operators and small vessel owners could implement such a management system. The amendment was too prescriptive for the Convention.

VI. 4. Protection in the case of work-related sickness, injury, or death

723. The Worker Vice-Chairperson said that these amendments were proposed to address the complexities and differences within the fishing sector, specifically the need for additional requirements for larger vessels, as the current text might be overly restrictive for smaller vessels, while setting too low a standard for larger vessels. He stated that the Workers' group could not agree to the reduction of existing standards and the removal of the protections provided for fishers. He agreed that the Convention should be global in scope, but special attention needed to be given to certain types of vessels. Other organizations made differences according to size. Ratification depended on getting the right balance but flexibility should not mean a reduction of standards. Non-prescriptive standards should not mean low standards for large vessels either. The proposed length limits could be discussed and some of the proposed headings might prove to be unnecessary. These amendments would give the Office to get the right balance in the texts to be submitted to the Conference in 2005.

724. The Employer Vice-Chairperson said that her group was mindful of the concerns regarding large vessels, and it was the duty of the Committee to strike a balance. The texts agreed upon so far had achieved the objectives set at the beginning of the Committee's work. These texts struck the right balance and were not stratified according to the size of vessels. Fear that standards would be eroded was not founded. Small vessels should progressively apply global standards. Therefore the Committee should continue to strike the balance sought.

D. Proposed Conclusion with a view to a Recommendation

Adoption of the report

779. The Secretary-General of the Conference extended his heartfelt thanks to Committee members for the important

work that they had accomplished towards building a consolidated standard for the protection of fishers in a highly globalized industry. The Committee had recognized the need to find the appropriate balance in order to protect the vast majority of small-scale fishers, without diluting the existing protection afforded to fishers on large ocean-going fishing vessels. No fisher should slip through the protective net of the Convention. To achieve this, the mesh must be neither so wide as to allow extensive exemptions, nor so narrow that it would stifle ratification and implementation. The discussions had taken place in the shadow of the new, consolidated maritime labour Convention still being developed and this had raised some concerns. Nonetheless, the Committee had adopted substantive Conclusions that were sufficiently flexible to ensure wide-scale ratification and implementation, yet provided broad coverage for all fishers, including the self-employed, and included specific safety and health provisions to reduce the high rate of fishing accidents as well as provisions on compliance and enforcement. The important issues of accommodation, social security and specific standards for larger vessels would have to be worked on and developed over the coming year. The Office would assist with this process and it counted on the expertise of Committee members, as well as financial assistance from all parties involved, to ensure an appropriate consultation process. In conclusion, he congratulated the Committee on its achievements and expressed the hope that the future Convention on work in the fishing sector would be quickly and widely ratified, and implemented, so that the world's 35 million fishers could have decent and safe work. ¶

The 92nd Session of the International Labour Conference was held during 1-17 June 2004 at Geneva