

An Introduction to the ILO Convention on Work in the Fishing Sector, 2007

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NFF Seminar on ILO Convention on Work in the Fishing
Sector, 29 December 2007, Bhubaneswar

Structure of the Presentation

- Why a new Fishing Convention?
- What does the Convention aim to do and how does it aim to realize these objectives?
- Who is likely to benefit from the Convention?
- What are the implementation issues?

Fundamental Principles and Rights of Work, ILO

- No forced labour
- Right to associate/organize
- Collective bargaining
- Equal remuneration
- No discrimination at work
- Minimum age
- Prevention of worst forms of child labour
- Provision of occupational safety and health and social security

Why a New Fishing Convention?

- Changing nature of fishing
- Poor ratification of existing ILO Conventions that apply to fishing
- Exclusion of fishing from the Maritime Labour Convention, 2006
- Importance of having a Convention that would apply to all types of fishing vessels and fishers on board such vessels (both inland and marine)
- Update/revise existing standards and to reach a greater number of world's fishers, especially those on board smaller vessels

What does the New Convention Aim to Do?

- Ensure safe navigation and operation of fishing vessels
- Ensure safety and health of fishers (protective and preventive measures)
- Guarantee decent work and living conditions
- Protect young persons at work

How does the Convention Aim to Achieve these Objectives?

- Making provisions regarding:
 - entry into fishing
 - working and living conditions on board fishing vessels
 - social security benefits

Entry into Fishing

- Provisions to ensure:
 - Young persons are protected;
 - Workers on board are healthy to do their duty;
and
 - There is a contract of employment.

Work and Living Conditions

- safe manning;
- regular periods of rest;
- regular payment;
- accommodation,
- food and water on board;
- prevention of occupational accidents,
- occupational diseases and work-related risks;
- protection for work related sickness,
- injury or death;
- medical care;
- right to treatment ashore;
- training to fishers in the handling of fishing gear and in the knowledge of fishing operations

Social Security Benefits

- medical care,
- sickness benefit,
- workplace injury benefit,
- maternity benefit,
- disability benefit,
- unemployment benefit,
- old age benefit,
- family benefit and
- survivors' benefit

Which Categories would Benefit from All the Provisions?

- All provisions of the Convention would apply to fishing vessels:
 - 24 m in length and over;
 - that remain at sea more than seven days;
and
 - that go beyond the national waters

What Provisions would Apply to All Fishing Vessels and Fishers?

- Several provisions would apply to all fishers on board fishing vessels:
- Examples:
 - Minimum age;
 - Regular hours of rest; and
 - Social security.

What About Other Categories of Fishing Vessels and Fishers?

- At the national level to decide about:
 - Extending standards to some categories (based mainly on duration of the fishing trip, area of operation and type of fishing operation)
 - Excluding certain categories from the provisions (e.g. fishing vessels engaged in inland fishing operations and limited categories of fishers or fishing vessels), however, with a caveat;
 - Making exceptions in the implementation of certain provisions (e.g. minimum age)
 - Exempting certain categories from certain provisions (e.g. day fishers from medical examination)

Whose Responsibility is it to Implement the Convention?

- The responsibility is primarily that of governments, both national and state, to adopt laws, regulations or other measures to implement the provisions of the Convention in consultation with the most representative organizations of fishers and employers

Which Categories of Fishers are Covered by the Convention?

- Wage workers and share workers, and independent self-employed fishers on board fishing vessels who might be covered by their country's social security system
- Fish processing workers on board fishing vessels

Which Categories of Fishers are Not Covered by the Convention?

- Shore-based fishers or fishers who are not on board fishing vessels
- Fish processing workers who are not based on fishing vessels

Adoption and Implementation Issues: What Should be Done?

- National government to be persuaded to ratify the Convention (State govts and employers' and workers' organizations should make efforts)
- Develop national/State legislation to implement the Convention within the framework of 4E's (extension, exclusion, exception and exemption) (territorial waters, EEZ, high seas, other EEZs) in consultation with fishers' and employers' organizations
- Explore options of extending relevant provisions to shore-based fishers and non-vessel based processing workers

Secretary-General of ILC, 2004

- “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”

Thank you