

Online Discussion Summary



International
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Organization



Agence canadienne de
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Protection of Migrant Workers in the Fishing Industry

16-27 September 2013

Moderator: Andy Shen
Legal and Research Consultant
ILO GMS and ASEAN TRIANGLE Projects

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1. Introduction

1.1 Asia Pacific Migration Network (AP-MagNet)

The Asia-Pacific Migration Network (AP-MagNet) is an online community of practice initiated by the International Labour Organization's (ILO) Regional Office for Asia and the Pacific. This online platform, at www.apmagnet.ilo.org, provides a forum for interested practitioners to share technical and practical knowledge on migration, debate and discuss migration-related issues. The community currently has almost 400 members from around the globe and it holds a continuously expanding library of approximately 570 knowledge resources on migration-related topics.

One of the key ways in which AP-MagNet contributes to ongoing debates and discussions on migration is by hosting regular online discussions on topics of interest. While this paper provides a summary of the September 2013 discussion on the *Protection of Migrant Workers in the Fishing Industry*, past discussions have also examined issues such as: (i) decent work for domestic workers; (ii) social protection for migrant workers in Asia; (iii) circular migration of health workers; (iii) the improvement and regulation of recruitment practices in Asia and the Pacific; (iv) public attitudes to migrant workers.¹

1.2 Online Discussion on the Protection of Migrant Workers in the Fishing Industry

This online discussion followed the *ILO Global Dialogue Forum for the Promotion of the Work in Fishing Convention 2007 (No.188)*, held in May 2013 in Geneva², and the *ILO Regional Meeting on Work in Fishing*, held on 11-12 September 2013 in Indonesia.³

Broadly speaking, the global movement to improve the employment, working and living conditions of migrant workers in the fishing industry has seen significant progress in recent years. Countries in the region are moving forward in this area by implementing labour reforms and strengthening regulatory frameworks, and the broad aim of this online discussion was to support the ongoing efforts of key stakeholders by extending the knowledge base on challenges and opportunities for improving the employment, working and living conditions of migrant workers in the fishing industry.

The discussion was hosted on AP-MagNet's Discussions page from 16-27 September 2013 and moderated by Andy Shen, Legal and Research Consultant with the ILO GMS and ASEAN TRIANGLE projects and sponsored by the CIDA-funded *ASEAN TRIANGLE* project.

A total of 17 comments were made by 8 participants from around the globe, from countries including Cambodia, India, Indonesia, Netherlands, Spain and Thailand. Participants came from a variety of backgrounds, including government and non-government organizations, academic research institutes, and the ILO (For a full list of participants, see Annex II of this report).

¹ For further information on past discussions, including background papers and consolidated replies, see <http://www.apmagnet.ilo.org/discussions>

² For further information on the outcomes of this discussion, see <http://apmagnet.ilo.org/resources/global-dialogue-forum-for-the-promotion-of-the-work-in-fishing-convention/>

³ For further information on this meeting, see http://www.ilo.org/asia/whatwedo/events/WCMS_220410/lang-en/index.htm; for further information on the outcomes of this discussion, see http://apmagnet.ilo.org/resources/outcomes-document-regional-meeting-on-work-in-fishing/at_download/file1

2. Online Discussion Summary

2.1 Introduction

The Regional Meeting on Work in Fishing held in Makassar, Indonesia on 12-13 September 2013 was convened for the purpose of sharing good practices in recruitment and employment of migrant fishers from the ASEAN region, increasing the knowledge base of participants, including a deeper understanding of ILO Work in Fishing Convention, 2007 (No. 188), and identifying measures to increase the protection of migrant fishers which can be implemented through national interventions as well as increased bilateral and regional cooperation.

At the conclusion of this meeting, it was generally agreed that fishing is considered to be among the most hazardous occupations with high levels of risk and migrant workers, particularly irregular migrant workers, in the fishing industry require specific protections. At national level, a thorough review of existing policies and legislation with tripartite consultation is needed to bridge the gaps in legal protection for these workers. Legal recruitment channels should be available, and recruitment procedures should be transparent, standardized, affordable and simple. During employment, migrant fishers should have an employment contract, skills training and access to complaints mechanisms. Labour inspection on-shore and inspection of working and living conditions at sea was deemed essential. It was recognized that increased bilateral and regional cooperation will help countries in the Asia-Pacific region more effectively address issues related to the protection of migrant fishers.

The AP-MagNet Online Discussion on Protection of Migrant Workers in the Fishing Industry followed this regional meeting and many important contributions were made by meeting participants. Four main issues were discussed during the two week online forum: (i) challenges in effectively protecting migrant fishers and ensuring decent employment, working and living conditions; (ii) effective laws, regulations and services that protect migrant fishers, and additional measures that could improve their employment, working, and living conditions; (iii) needs and challenges in the provision of support services; and (iv) ratification and implementation of ILO Work in Fishing Convention, 2007 (No. 188).

While the full discussion thread can be viewed on the AP-MagNet website⁴, the following is a summary of participants' contributions.

2.2 Challenges in Effectively Protecting Migrant Fishers and Ensuring Decent Employment, Working and Living Conditions

(1) What challenges do governments, employers' and workers' organizations and civil society face in effectively protecting migrant fishers and ensuring decent employment, working and living conditions?

The participants to this online discussion identified several challenges to effectively protecting migrant workers in the fishing industry. Pablo Manuel Xandri Royo, who works in Fisheries Development, Environmental Policy and Design and Project Management in Spain, noted that negative public attitude or perception of migrant workers, including migrant fishers, is an issue that needs to be addressed in Spain. Tripartite constituents and civil society have also faced challenges in informing migrant fishers of their rights under Spanish law.

Hanafi Rustand, President of the Indonesian Seafarers Union (KPI), raised the issue of migrant fishers stranded in destination countries by fishing vessel owners and skippers. Hanafi attributed this problem to the inability of some of these migrant fishers to adequately perform their duties and tied their inadequate

⁴ See <http://apmagnet.ilo.org/discussions>

performance to poor recruitment and placement by private employment agencies in Indonesia. Hanafi noted that most of the migrant fishers stranded have not attended a proper training school so the fishing vessel owner and skipper have to teach them the skills required to work on fishing vessels. The lack of proper training leads to misunderstanding, frustration, and fighting on board the fishing vessels.

Hanafi, and Jidapa Meepien, Researcher from the Thailand Development Research Institute, reminded us that the governments of destination countries face the challenge of protecting undocumented migrant workers in their fishing industries. Many migrant fishers may seek work through irregular channels, or in the case of those stranded by fishing vessel owners and skippers, become undocumented later in the migration cycle. Jidapa noted that these workers' undocumented status means they are neither covered by labor protection law nor afforded benefits under social security schemes. This lack of protection renders undocumented migrant fishers more vulnerable to exploitation and abuse and as Jidapa observed, some have become victims of forced labour and human trafficking.

The governments of countries of origin also face many challenges in effectively protecting their migrant fishers. Ment van der Zwan, Senior Policy Advisor at the Pelagic Freezer-trawler Association in the Netherlands, noted that a number of participants in this online discussion have highlighted the issue of sub-standard private employment agencies sending inexperienced and unqualified migrant fishers overseas. Ment also raised the issue of social security benefits for migrant fishers. Who is responsible for paying the contributions for/of fishers who work abroad? As Ment noted, it is usually quite difficult, if not impossible, for the social security administration of the fisher's country of origin to collect social security contributions from foreign fishing vessel owners who fall outside of their jurisdiction.

2.3 Effective Laws, Regulations and Services that Protect Migrant Fishers, and Additional Measures that Could Improve their Employment, Working and Living Conditions

(1) What legislation, regulations, and services are most effective in protecting migrant fishers from unfair or illegal recruitment and employment practices?

Max Tunon, Senior Programme Officer of the ILO TRIANGLE Project, reiterated one of the conclusions participants at the regional meeting on work in fishing agreed upon – laws and policies for protecting fishers need to be made specific to the fishing sector where possible, for both sending and receiving countries. Max highlighted Viet Nam's Guidance on the Dispatch of Vietnamese Fishing Crews for Employment as an example of the type of protections a country of origin can provide in terms of fishing specific pre-departure training, a minimum wage, and clarification on who bears the costs of recruitment, among other things.

Hanafi noted that the BNP2TKI in Indonesia regulates the process of recruitment and placement and ensures the fishers have a proper seamen's book and International Maritime Organization (IMO) certification. He further noted that briefings and orientations on the need for individual fishers' work agreements and collective bargaining agreements are given by trade union representatives in Indonesia.

I Made Kastaria Diringrat of Indonesia's Ministry of Marine Affairs and Fisheries Indonesia informed the forum that Indonesia has laws and regulations tailored to protect migrant fishers. Indonesia has issued Presidential Decree Number 15 (2011) on the protection of fishers, and also has regulations related to fishers' work agreements. Made emphasized that fishers' work agreements are different than agreements for seafarers working on merchant ships (or sailors on yachts) because the work on fishing vessels is specialized. In Made's view, a number of distinguishing factors such as the dangerous equipment used on fishing vessels, health considerations when handling fish on board fishing vessels, and the need for

compliance with fisheries specific regulations affect protection of fishers and must be addressed in fishers' work agreements.

(2) What other measures should be taken to improve the employment, working and living conditions of all migrant fishers?

Participants to the online discussion proposed several measures that can be taken to improve employment, working and living conditions for migrant fishers. Hanafi suggested vocational training specific to work in fishing, and in particular, special academies or schools for migrant fishers to better prepare these workers for the rigors of work in the commercial fishing sector. This suggestion was in line with the recommendation put forward in the Outcomes Document of the Regional Meeting on Work in Fishing, where meeting participants stated that vocational training specific to work in fishing is a much needed service for migrant fishers.

Max noted that a greater voice has to be given to fishers, and migrant fishers in particular. He cited the Yilan County Fishermen's Trade Union in Taiwan (PRC) as a promising model that should be encouraged in destination countries but acknowledged that existing laws surrounding migrants' rights to form unions currently preclude this from happening in many countries.⁵

Participants at the regional meeting as well as in this online forum agreed that the sharing of good practices between countries in the Asia-Pacific region can improve conditions for migrant fishers. Hanafi suggested that Indonesia and Philippines's systems of protection, which have similarities, be used as models for other governments sending fishers overseas. Hanafi also highlighted the importance of communication between workers, workers' organizations and employers and mentioned that a mechanism for facilitating communication between fishers, trade unions, and companies is currently being developed.

Pablo, who previously noted the challenges tripartite constituents and civil society face in informing migrant fishers of their rights, suggested that materials explaining their rights under Spanish law be produced in the migrant fishers' native languages and distributed to them through Spanish fishing vessel owner associations and the Social Marine Institute.

Ment's recommendations for improving conditions for migrant fishers centered on the minimum standards established by the ILO and IMO. In Ment's view, conditions could be improved through widespread ratification and implementation of ILO Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) and ILO Work in Fishing Convention, 2007 (No. 188), along with enforcement of the basic safety provision of the IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995). Ment notes in particular that Article 6 of ILO Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) could be applied to migrant fishers and this would provide them with an identity document that facilitates their shore leave, transit, and repatriation.⁶

It should be noted here that for ILO Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) to apply to migrant fishers, member states that choose to ratify the Convention would have to make the decision, after consulting with workers' and employers' organizations, to apply its provisions to commercial maritime fishing. ILO Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) has been in force since February 2005 and to date, 24 member states have ratified this Convention,

⁵ See <http://www.taipeitimes.com/News/taiwan/archives/2013/05/27/2003563293>

⁶ See http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C185

including six countries from the Asia-Pacific region – Indonesia, Philippines, Republic of Korea, Pakistan, Vanuatu, and the Marshall Islands.

Although ILO Work in Fishing Convention, 2007 (No. 188) is not currently in force, the minimum standards set in this Convention can still serve as useful guidelines for all parties involved in contract negotiations. Ment suggests that private employment agencies negotiate their service contracts with fishing vessel owners to ensure that the fishers they recruit and place are afforded working and living conditions which comply with the standards set forth in ILO Work in Fishing Convention, 2007 (No. 188). Ment further recommends that such contracts stipulate which items must be included in the fishers' work agreements and that an organization such as the ILO assist in developing a model service contract that contains these provisions.

Ment also refers to paragraphs 4-6 of Article 22 of ILO Work in Fishing Convention, 2007 (No. 188) which if implemented in countries of origin, could improve their protection of migrant fishers. Article 22 states, in pertinent part, “A Member which has ratified the Private Employment Agencies Convention, 1997 (No. 181), may allocate certain responsibilities under this Convention to private employment agencies that provide the services referred to in paragraph 1(b) of Article 1 of that Convention. The respective responsibilities of any such private employment agencies and of the fishing vessel owners, who shall be the “user enterprise” for the purpose of that Convention, shall be determined and allocated, as provided for in Article 12 of that Convention.”⁷ The responsibilities referred to in this provision include minimum wages, working time and other working conditions, statutory social security benefits, compensation in case of insolvency and protection of workers' claims.⁸

Participants at the regional meeting agreed that pre-departure orientation and skills training, as well as certification of fitness to work on board fishing vessels, are measures that can improve the working and living conditions of migrant fishers. In Ment's view, it is the responsibility of both the private employment agencies and fishing vessel owners to ensure that fishers have (1) a valid certificate confirming that they have received basic safety training for fishing vessel personnel in accordance with Chapter III of the Annex to Attachment 1 of the IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995);⁹ (2) a valid medical certificate attesting to their fitness to perform their duties on board fishing vessels in accordance with Articles 10-12 of ILO Work in Fishing Convention, 2007 (No. 188) (or Articles 1-5 of ILO Medical Examination (Fishermen) Convention, 1959 (No. 113));¹⁰ (3) at least an elementary knowledge of the working language used on board the fishing vessel where they will work; and (4) training in the tasks they will be required to perform on board.

Another recommendation regional meeting participants agreed on was standard contracts for migrant workers in the fishing industry. Max noted in this discussion that a number of countries in this region have standard contracts, and it is now being considered in Thailand as well, where greater wage protection mechanisms are needed to counteract the withholding of wages, which is often used to limit the mobility of fishers. According to Max, written contracts, in a language understood by the fisher, should contain details of the rates of wages payable, the method of calculation, details of deductions, and the means and frequency of payment.

⁷ See http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312333

⁸ See http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312326:NO

⁹ See <http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-on-Standards-of-Training,-Certification-and-Watchkeeping-for-Fishing-Vessel-Personnel-.aspx>

¹⁰ See http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312258

Another suggestion Max had for improving employment conditions of migrant fishers is the use of an industry wage guarantee fund, where employers are required to make a small contribution to a fund that can be accessed to compensate fishers who have not been paid their due wages. This model would allow fishers to obtain their back wages in a shorter period of time and avoid lengthy court proceedings with uncertain results. To strengthen enforcement of the law, and taking into account the limited access some migrant fishers have to complaints mechanisms, Max recommends increasing on-shore inspections of fishing vessels prior to their departure from the ports and immediately upon their return.

While most of the measures suggested above can be applied throughout the Asia-Pacific region, Jidapa made some specific recommendations for the Thai government that he believes would improve conditions for migrant workers in their fishing industry. In his view, the government needs to amend its laws and policies which are inconsistent with the minimum standards set forth in the relevant ILO Conventions. To strengthen its protection of migrant workers, Jidapa recommends the Thai government to amend its Memorandums of Understanding (MoUs) with neighboring countries on the employment of their workers. Jidapa also believes that there needs to be strong punishment for those who violate the government's laws, and that the government's collaboration with the private sector and civil society in monitoring the protection of migrant workers needs to be expanded.

Other recommendations Jidapa made include strengthening the Good Labour Practice Guidelines (GLP) for the Thai Fishing Sector to ensure fishing vessel owners and private employment agencies follow the practices suggested;¹¹ establishing a multi-stakeholder system to monitor the employment and working conditions of migrant workers in the Thai fishing industry; and developing the Hazardous Work List for the Thai fishing industry in order to improve the working conditions of migrant fishers.

2.4 Needs and Challenges in the Provision of Support Services

(1) What support services are needed but lacking for migrant fishers?

Both Ment and Max identified the need for increased access to channels of communication for migrant fishers and their friends and families. Max noted that more attention should be paid to providing migrant fishers with the means to communicate with their family members while Ment recognized the need for increased access to communication media at a reasonable cost.

As noted above by Ment, appropriate pre-sea education/training and medical examinations are measures that can improve the working and living conditions of migrant fishers. It was clear at the regional meeting that these are support services that are needed but currently lacking for many migrant workers in the fishing industry.

(2) What are some of the challenges in effectively providing support services to migrant fishers?

Some of the support services for migrant fishers which are needed but lacking have been identified above but the more difficult question to answer, which Ment has noted, is who should, or will, be responsible for providing these services? In Ment's view, a responsible country of origin would provide pre-sea education/training and medical examinations itself "in order to emancipate its fisher work force and place it in a favourable position on the international labour market."

¹¹ For further information on the Good Labour Practice Guidelines for the Thai Fishing Sector, see http://www.ilo.org/asia/info/public/pr/WCMS_221108/lang--en/index.htm

2.5 Ratification and Implementation of ILO Work in Fishing Convention, 2007 (No. 188)

None of the participants to this online discussion responded directly to the questions posed about ratification and implementation of ILO Work in Fishing Convention, 2007 (No. 188) but there were answers which touched upon some of the issues raised below.

(1) If your country adopts ILO Work in Fishing Convention, 2007 (No. 188), what would be the single most significant improvement to the current system of protection in place for migrant workers in your country's fishing industry?

There were no responses from participants to this question but it is anticipated that countries in this region will be able to more clearly identify the areas in which their systems of protection can be improved after they undertake a comparative analysis (or “gap analysis”) of the ILO Work in Fishing Convention, 2007 (No. 188) and their national laws, regulations or other measures concerning decent conditions of work on board fishing vessels.¹²

(2) What concerns or reservations do you have about ratification and implementation of ILO Work in Fishing Convention, 2007 (No. 188) in your country?

Ment expressed concern about the implementation of ILO Work in Fishing Convention, 2007 (No. 188) as it pertains to social security for migrant fishers. While Articles 34-37 of the Convention suggest that bilateral or multilateral agreements could bring migrant fishers under the social security protection of the flag state, Ment cautions that in practice, making claims against a foreign social security administration may actually be a challenging task.

(3) What are the greatest obstacles to ratification and implementation of ILO Work in Fishing Convention, 2007 (No. 188) in your country? How can these obstacles be overcome?

The issue of obtaining social security payments for migrant fishers may be an obstacle to effective implementation of ILO Work in Fishing Convention, 2007 (No. 188) in some countries in this region. Ment posited that an alternative to requesting flag states to finance social security for migrant fishers could be utilizing paragraphs 4-6 of Article 22 of the Convention to designate private employment agencies in countries of origin as the employers of migrant fishers rather than the foreign fishing vessel owners. By doing so, employment of migrant fishers remains in the country of origin and the social security administration of said country can then collect contributions from the private employment agency. Ment noted that such use of private employment agencies — if regulated properly — would also place the country of origin in a better position to protect its migrant workers engaged in fishing on foreign vessels.

2.6 Conclusion

This online discussion forum on protection of migrant workers in the fishing industry was envisaged as a platform for further discussions about the key issues raised at the regional meeting on work in fishing. While the primary goal was to extend the knowledge base on these issues, the online discussion was also aimed at building on the recommendations agreed upon at the meeting and working towards effective solutions to common issues.

¹² For guidelines which suggest an approach governments may wish to follow when undertaking a gap analysis, see http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/publication/wcms_161223.pdf

Participants to this online discussion identified many challenges and gaps in protection but also contributed several ideas for resolving issues common to countries in this region, as well those in other parts of the world.

It is hoped that this discussion will continue beyond the AP-MagNet forum and that the ideas that were formulated at the regional meeting, and in the online forum, will eventually be implemented at the national and regional levels. The cooperation of all relevant stakeholders in this region is needed to ensure migrant workers in the fishing industry are adequately protected and given the opportunity to have a productive migration experience. Many challenges lie ahead but the concerted effort of governments, workers' and employers' organizations, as well as that of civil society, will go a long way towards achieving decent work for all migrant fishers.

ANNEX I: BACKGROUND NOTE TO THE DISCUSSION

Background Note

AP-MagNet Online discussion on *Protection of Migrant Workers in the Fishing Industry*

Date: Monday 16 September – Friday 27 September 2013

Venue: www.apmagnet.ilo.org/discussions

AP-MagNet, an ILO-sponsored online community of practice for individuals, organizations, and institutions interested in migration issues in the Asia-Pacific region, is hosting an online discussion forum on *Protection of Migrant Workers in the Fishing Industry* from 16 - 27 September 2013.

The topic of this forum is timely as it follows the ILO Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (No. 188), held in May 2013, as well as the ILO Regional Meeting on Work in Fishing which will be held in Indonesia on 12 - 13 September 2013. The global movement to improve the employment, working, and living conditions of migrant workers in the fishing industry has seen significant progress in recent years with the landmark *Agreement Between the Social Partners in the European Union's Sea-Fisheries Sector*, adopted on 21 May 2012. Countries in the region are also moving forward, with Indonesia, New Zealand, and the Republic of Korea implementing labour reforms, and Thailand strengthening its regulatory framework to protect migrant workers in its fishing sector.

While over half of the world's population resides in countries situated in the Asia-Pacific region (UNESCAP, 2012), the global fishing industry is disproportionately represented in this region, with roughly 87% of the world's fishers and 73% of its fishing vessels coming from major fishing nations such as the Philippines, Indonesia, Japan, and China (FAO, 2012). The demand for fish and fishery products is especially high in Asia where seafood has traditionally been a staple of many diets and is a vital source of protein for those who live in developing countries (Greenberg, 2010; Béné et al., 2007).

The increase in global fish consumption in the last few decades has created job opportunities in the fishing sectors of many countries in the Asia-Pacific region but the supply of local fishers willing and able to fill these jobs is alarmingly low (Greenberg, 2010; ILO, 2013). The aging population of local fishers in Japan and Taiwan (China) has been compounded by the unwillingness of local youth to take on labour-intensive jobs in the commercial fishing sector (The Asahi Shimbun, 2012; World Fishing & Aquaculture, 2012). The challenging and oftentimes dangerous working conditions in the Thai fishing sector has also deterred many Thais from seeking employment on board commercial fishing vessels (ILO, 2013). As a result of the limited supply of local fishers, many fishing vessel owners in this region have turned to migrant workers to meet the industry's demand for fishers (The Asahi Shimbun, 2012; ILO, 2013).

Migrant fishers from the Asia-Pacific region often travel far distances and endure strenuous work in search of financial security and a better future for their families. Their tireless work on fishing vessels around the world not only provides for their families but also contributes to

global food security and the economic development of both destination countries and their countries of origin. These benefits, however, do not come without risks.

The ILO has identified commercial fishing as a particularly hazardous occupation with a relatively high rate of injury and death (ILO, 2013). Working and living conditions on board commercial fishing vessels can be dangerous and unhealthy. Long working hours, limited protection from occupational hazards, and cramped living quarters are not uncommon while treatment from skippers, senior crew members, and fellow fishers varies greatly depending on each individual fishing operation. A recent ILO report on employment practices and working conditions in Thailand's fishing sector highlights the dangerous working conditions on board commercial fishing vessels. In the largest survey to date of Thailand's fishing sector, one in five fishers interviewed reported having had an accident while working that required medical attention from a clinic or hospital (ILO, 2013).

While substantial efforts have been made in recent years by the ILO's tripartite constituents to improve the employment, working, and living conditions of migrant fishers, countries continue to face challenges in protecting migrant workers in their fishing industry. The scope and scale of protection needed can vary depending on the size and type of the migrant worker's fishing vessel, the method of fishing, the duration of their voyages, and the area of their fishing grounds. Close consideration of these differences is required to ensure no migrant fishers are left unprotected.

Other pertinent issues that need to be addressed include unclear employment conditions, a lack of respect for fundamental rights, the absence of a systematic approach to occupational safety and health, and insufficient labour inspection of fishing vessels. Illegal, unreported, and unregulated (IUU) fishing not only undermines fisheries management and conservation, but also enables exploitative labour practices. These challenges highlight the importance and value of ratification and effective implementation of the ILO Work in Fishing Convention, 2007 (No.188) and the need for a concerted effort to improve the employment, working, and living conditions of all fishers, including migrant fishers.

During the forum, you are invited to take part in discussing these and other relevant issues facing migrant fishers from the Asia-Pacific region. It is hoped that the open exchange of information and ideas between participants from around the world will result in a solid knowledge base from which key stakeholders can draw on to improve protection of migrant workers in the fishing industry.

Here are some suggested issues for discussion:

1. Laws and Policies:

- Should migrant fishers working on commercial fishing vessels operating at sea for three or more consecutive days constitute a special class for protection because of their increased risk of exploitation and abuse? What types of laws and policies should be considered for their protection?
- Should migrant fishers working on Flags of Convenience (FOC) fishing vessels constitute a special class for protection because of their increased risk of exploitation and abuse? What types of laws and policies should be considered for their protection?

- If your country adopts ILO Work in Fishing Convention, 2007 (No. 188), what would be the single most significant improvement to the current system of protection in place for migrant workers in your country's fishing industry?
- What concerns or reservations do you have about ratification and implementation of ILO Work in Fishing Convention, 2007 (No. 188) in your country?
- What are the greatest obstacles to ratification and implementation of ILO Work in Fishing Convention, 2007 (No. 188) in your country? How can these obstacles be overcome?

2. Recruitment Channels and Practices:

- What legislation, regulations or services are most effective in protecting migrant fishers from unfair or illegal recruitment and employment practices?
- What measures should be taken to reduce irregular migration among migrant fishers in this region?
- What improvements can be made to direct hiring programs to ensure migrant fishers and employers who wish to access this recruitment channel can effectively do so?

3. Employment, Working, and Living Conditions:

- What measures should be taken to improve the employment, working, and living conditions of all migrant fishers?
- What can be done to ensure migrant fishers who are abused or exploited at sea have timely access to an effective remedy for their harm suffered?

4. Support Services:

- What support services are needed but lacking for migrant fishers? This can include services currently not available and services that are available but limited in number.
- What are some of the challenges in effectively providing support services to migrant fishers?
- What are some of the challenges to building strong trade union support for migrant fishers both in their countries of origin and destination countries? How can these challenges be overcome?

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ANNEX II: LIST OF PARTICIPANTS

Moderator:

Andy Shen, Legal and Research Consultant, ILO GMS and ASEAN TRIANGLE Projects

External Participants:

Hanafi Rustand, President, Indonesian Seafarers Union (Kesatuan Pelaut Indonesia - KPI), Indonesia

I Made Kastaria Diningrat, Staff, Ministry of Marine Affairs and Fisheries, Indonesia

Jidapa Meepien, Researcher, Thailand Development Research Institute, Thailand

Max Tunon, Senior Programme Officer, ILO TRIANGLE Project, Thailand

Ment van der Zwan, Senior Policy Advisor, Pelagic Freezer-trawler Association, Netherlands

Pablo Manuel Xandri Royo, Fisheries Development, Environmental Policy and Design and Project Management, Spain

Sr. Josephine Amala Valarmathi, ICM, National Domestic Workers Movement/Migrant Forum, India

AP-Magnet Facilitator:

Ms. Jennifer Branscombe, ILO Regional Office for Asia and the Pacific, Thailand