

Work in Fishing Convention and Recommendation, 2007

Action Plan 2011–2016

International Labour Office Geneva

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ACTION PLAN

to improve the conditions of work of fishers through the widespread ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188), and the effect given to the Work in Fishing Recommendation, 2007 (No. 199)

PROGRAMME OUTLINE

Title	Action Plan to improve the conditions of work of fishers through the widespread ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188), and the effect given to the Work in Fishing Recommendation, 2007 (No. 199)
Purpose	To set out for the Governing Body, for member States (including States that may wish to ratify the Convention and States and others that may wish to assist the ILO to promote the Convention), and for the ILO's social partners and others, what the Office plans to do within the next five years (subject to available internal and external resources) to achieve widespread ratification and implementation of Convention No. 188, taking into account Recommendation No. 199
Geographic coverage	Global (all ILO member States with a fishing interest)
Counterparts	Collaboration between ILO headquarters and field units, the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP), the Labour Administration and Inspection Programme (LAB/ADMIN), the Programme on Safety and Health at Work and the Environment (SafeWork), the International Programme on the Elimination of Child Labour (IPEC), the Social Security Department (SEC/SOC), the

Social Dialogue Sector and the Turin Centre. In partnership with interested government ministries and agencies, the Food and Agriculture Organization of the United Nations (FAO), International Maritime Organization (IMO) and the European Union, as well as the International Organisation of Employers (IOE), International Trade Union Confederation (ITUC), International Transport Workers' Federation (ITF) and International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), and in cooperation with other intergovernmental and non-governmental organizations, as appropriate

Duration	Five years (2011–2016)
Starting date	1 January 2011
ILO units responsible	International Labour Standards Department (NORMES) and Sectoral Activities Department (SECTOR), in collaboration with ILO field offices and the Turin Centre

I. Background and justification

The fishing sector – The reasons for ILO action

More than 30 million people work part time and full time as fishers. It has been estimated that, for each person employed in capture fisheries, there are about four jobs produced in the secondary activities, including post-harvest. Furthermore, each worker on average provides for three dependants or family members. Thus, fishing and those supplying services and goods to them assure the livelihoods of a total of several hundred million people.¹

Work in the fishing sector has many characteristics that set it apart from work in other sectors:

- The harvesting of fish, and other marine resources, takes place in the often-challenging marine environment. The rate of accidents and fatalities can be quite high. In many countries, fishing is considered to be the most hazardous occupation.
- Fishing has long traditions. One of these, found throughout the world, is that of paying fishers on the basis of a share of the catch, which means that fishers are often considered to be “self-employed”.
- Fishers and their families often live in remote communities that offer only limited alternatives for employment and are far away from regulatory oversight.
- Increased globalization of fishing has meant increased complexity in working relationships. The State of registration of the vessel, location of the fishing vessel owner, country of residence of the fisher, and area of operation of the vessel may all be different.
- Many fishers are under economic pressure due to overfishing.

¹ FAO: *The state of world fisheries and aquaculture, 2008*, Rome, 2009, p. 26. If aquaculture and its secondary activities and dependants are included, it is estimated that over 500 million directly or indirectly depend on fisheries and aquaculture for their livelihoods.

The above and other factors call for special considerations for the labour protection of fishers. Yet, in many countries, fishers seem to fall through gaps in the system of laws, regulations and other measures that protect other workers, or may be covered by legislation that does not sufficiently reflect the realities of their work. This may create a “decent work” deficit.

In line with its objective of providing decent work for all, the ILO is seeking to reduce this deficit.

Background

The ILO’s first international labour standard for the fishing sector was adopted in 1920. Additional standards were adopted in 1959 and 1966.

In 2002 the Governing Body, seeing the need to update these instruments, decided to place on the agenda of the International Labour Conference (ILC) an item concerning a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector.² Though many fishers in the past had received protection through other ILO maritime standards aimed at seafarers on merchant ships (standards that applied, or could be applied, to fishing), it had been decided that the new consolidated Convention concerning working and living conditions of seafarers (MLC, 2006), would exclude fishing vessels and fishers from its scope. This created a sense of urgency to adopt a new comprehensive standard for the fishing sector, a standard that would also reflect the often unique characteristics of commercial fishing.

After discussing this issue at three sessions, the 96th Session of the ILC in 2007 adopted by an overwhelming majority the Work in Fishing Convention, 2007 (No. 188),³ and its accompanying Work in Fishing Recommendation, 2007 (No. 199).⁴

Convention No. 188 provides a global labour standard that is relevant to all fishers, whether on large vessels on the high seas and on

² GB.283/2/1, para. 21(b).

³ See www.ilo.org/public/english/dialogue/sector/papers/maritime/c188.pdf.

⁴ See www.ilo.org/public/english/dialogue/sector/papers/maritime/r199.pdf.

international voyages or in smaller boats operating in coastal waters close to shore. Recommendation No. 199 provides guidance to States on the implementation of the provisions of the Convention.

The Convention aims at ensuring 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”.⁵ It principally targets flag States (States whose vessels fly their national flag) but also provides for inspection of foreign vessels by port States.

The tripartite drafters of the Convention recognized that its application might raise special problems of a substantial nature in light of the particular conditions of service of some fishers or fishing vessel operations. They also acknowledged that some States might face such problems due to insufficiently developed infrastructure or institutions. The Convention therefore provides States with some flexibility in the form of possible exclusions of limited categories of fishers and vessels, and progressive implementation of certain provisions while they commit, over time, to improving conditions of all fishers.

The Convention stresses the importance of social dialogue and tripartite consultation. Many provisions can only be implemented following “consultation” with representative employers’ and workers’ organizations (in particular, representative organizations of fishing vessel owners and fishers).

Convention No. 188 revises the Minimum Age (Fishermen) Convention, 1959 (No. 112); the Medical Examination (Fishermen) Convention, 1959 (No. 113); the Fishermen’s Articles of Agreement Convention, 1959 (No. 114); and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126). It also covers other important questions such as health and safety at work, assignment and hours of rest, crew list, repatriation, recruitment and placement, and social security. The old Conventions will continue to be binding for countries that have ratified them until they ratify the new Convention and it enters into force.

⁵ Convention No. 188, Preamble.

The Convention will enter into force one year after it has been ratified by ten member States (including eight coastal States) and will be legally binding for member States that choose to ratify it. Wide ratification is supported by representative organizations of employers and of fishing vessel owners and by representative organizations of workers and of fishers, as well as other professional organizations in the sector.

When the ILC adopted Convention No. 188 and Recommendation No. 199 it also adopted four resolutions intended to support the promotion, ratification and effective implementation of the Convention and the improvement of decent work in the fishing sector. These resolutions have helped the Office to determine priorities in its follow-up activities.

The **resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007 (No. 188)**, invited the Governing Body to request the Director-General “to give due priority to conducting tripartite work to develop guidelines for flag State implementation and to develop guidelines to establish national action plans for progressive implementation of relevant provisions of the Convention”, as well as to give due consideration in the programme and budget for technical cooperation programmes to promote the ratification of the Convention and to assist members requesting assistance in its implementation in such areas as:

- technical assistance for Members, including capacity building for national administrations as well as representative organizations of fishing vessel owners and fishers, and the drafting of national legislation to meet the requirements of the Convention;
- the development of training materials for inspectors and other staff;
- the training of inspectors;
- the development of promotional materials and advocacy tools for the Convention;
- national and regional seminars, as well as workshops on the Convention; and
- promoting the ratification and implementation of the Convention within ILO Decent Work Country Programmes.

The **resolution concerning port State control** invited the Governing Body “to convene a tripartite meeting of experts of the fishing sector to develop suitable guidance for port State control officers concerning the relevant provisions of the Work in Fishing Convention, 2007 (No. 188)”.

The **resolution concerning tonnage measurement and accommodation** invited the Governing Body “to request the Director-General to report to it any developments which may have an impact on the Work in Fishing Convention, 2007 (No. 188), especially on Annex III”, and “to act on such a report by giving due priority, if required, to convening a tripartite meeting of experts, as provided for in Article 45 of the Work in Fishing Convention, 2007 (No. 188), to address the matter with a view to maintaining the relevance of Annex III of that Convention”.

The **resolution concerning promotion of welfare for the fishers** invited the Governing Body “to request the Director-General, in a cost-effective manner, to consider, as appropriate, the following social issues related to fisheries, as part of its programme and budget:

- promotion of the provision of effective social protection and social security to all fishers within the ongoing work of the Organization so as to secure effective social protection for all;
- the particular employment problems that are faced by women in the fishing industry, including discrimination and the barriers to access to employment in the industry;
- the causes of occupational diseases and injuries in the fishing sector;
- the need to encourage member States to strongly ensure that fishers on fishing vessels in their ports are able to have access to fishers’ and seafarers’ welfare facilities;
- the need to provide member States and social partners with advice on developing strategies to improve the retention of fishers and the recruitment and retention of new entrants in fisheries;
- the issues relating to migrant fishers; and
- the education of fishers and their families by working together with appropriate bodies for the prevention of HIV/AIDS among fishers and in fishing communities”.

In November 2007 the Governing Body requested the Director-General to:

- take all necessary measures for the promotion of Convention No. 188 and Recommendation No. 199, in accordance with the above resolutions, “taking into account the resources available for sectoral activities under the regular budget and any voluntary contributions that can be obtained from extra-budgetary donors”; and
- “make concrete proposals in due course to the Governing Body with regard to the implementation of those resolutions ...”.⁶

The Office seeks to coordinate the work to promote the implementation and ratification of Convention No. 188 with the work under way to promote early ratification and implementation of the MLC, 2006; thus this Action Plan draws on processes, goals and strategies similar to those outlined in the Action Plan 2006–2011 for the MLC, 2006.⁷

What has been done between 2007 and 2010

Actions since 2007 to build a solid foundation for the ratification and implementation of the Work in Fishing Convention, 2007 (No. 188), and its accompanying Recommendation

In keeping with the four resolutions adopted by the 96th Session of the Conference and the decisions taken by the Governing Body in November 2007, and in close consultation with its constituents, in particular with ACTRAV, ACT/EMP, ITUC and the ITF, the Office has sought to quickly and efficiently undertake activities to promote the implementation and ratification of Convention No. 188. In doing so, it has drawn upon regular budget resources as well as extra-budgetary resources provided by external donors. In keeping with the ILO

⁶ GB. 300/3/1, para. 9.

⁷ See www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_088034.pdf.

Declaration on Social Justice for a Fair Globalization, these actions have been carried out through collaboration among departments in ILO headquarters, field offices and the Turin Centre. The Office has sought, where possible, to undertake activities that will serve as a foundation – a springboard – for future work (e.g. developing training material, undertaking baseline studies, collecting best practices, strengthening important inter-agency relationships that will enhance future work). The following provides highlights of these activities.

Development of promotional material

The Office has developed a promotional brochure on Convention No. 188. Originally prepared in English, French and Spanish, the publication now also exists in Japanese (courtesy of ILO Tokyo), Portuguese and Brazilian Portuguese. Moreover, the Office has enhanced its website concerning the Convention.

Article 22 report form

Under article 22 of the ILO Constitution, reports are periodically requested from States which have ratified ILO Conventions. In November 2007 the Governing Body adopted the report form for the Work in Fishing Convention, 2007 (No. 188). The form is available on the website of NORMES.

*Comparative analysis (gap analysis)
of Convention No. 188 and national laws
and regulations*

NORMES, with input from SECTOR, has prepared model terms of reference and matrices for the undertaking of a comparative analysis (gap analysis), which helps to identify the areas where legislative changes may be needed and thus facilitates the work of national authorities when envisaging ratification.

Development of guidelines on port State control

In keeping with the resolution concerning port State control as noted above, in March 2009 the Governing Body decided that a Tripartite Meeting of Experts to Adopt Port State Control Guidelines for

Implementation of the Work in Fishing Convention, 2007 (No. 188), would be held at the ILO in Geneva from 15 to 19 February 2010. The meeting was convened using financial support from the Norwegian-funded Project on Enhancing Labour Inspection Effectiveness (a project which involved cooperation by LAB/ADMIN, SECTOR and SafeWork). The experts adopted the *Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)*, which aim to provide supplementary practical information and guidance to port State administrations that can be adapted to reflect national practices and policies and other applicable international arrangements in force governing port State control inspections of fishing vessels. The *Guidelines* were submitted to the Governing Body at its 309th Session (November 2010) and will be initially published in English, French and Spanish.

Development of handbook and training material

Bearing in mind the resolution concerning promotion of the ratification of the Work in Fishing Convention, 2007 (No. 188), the Office is developing a *Handbook for improving living and working conditions on board fishing vessels* (which provides guidance on Convention No. 188) and a *Training manual on the implementation of the Work in Fishing Convention, 2007 (No. 188)*. The development of these products has been financially supported by the Norwegian-funded Project on Enhancing Labour Inspection Effectiveness and has been assisted by NORMES and SEC/SOC. They draw upon experiences from the capacity-building project for the Latin American fishing sector employers' organizations and from training courses for employers and workers in the fishing sector organized by ACT/EMP, ACTRAV and the Turin Centre, all funded by the Spanish Ministry of Labour and Social Affairs through the Social Marine Institute of Spain. They also draw upon lessons learned through case studies commissioned by the ILO concerning regulation of labour conditions of the fishing sector in Norway, Republic of Korea, South Africa and Spain, as well as a case study from Brazil. By the end of 2010 these two products, originally produced in English, will be translated into French and Spanish utilizing funds from the Project for the Rational and Sustainable Development

of the Fishing Sector, funded by Spain's Ministry of Environment and Rural and Marine Affairs.

Regional seminars

Regional seminars on the Work in Fishing Convention, 2007 (No. 188), were held in the Republic of Korea in September 2008 and in Rio de Janeiro, Brazil in August 2009. These events were held with financial or in-kind assistance from the host countries. They aimed to:

- promote the ratification and implementation of Convention No. 188 and Recommendation No. 199;
- improve working conditions and legal protection of fishers in the region; and
- identify what parts and provisions of the Convention are of specific concern to the countries.

Following discussion on the Convention and Recommendation requirements, participants requested assistance from the ILO to ratify and implement the Convention. This included: knowledge-building activities (seminars and training courses); technical, legal or financial assistance for conducting baseline studies and the organizing of tripartite consultations and campaigns; drafting or commenting on legislation and providing informal opinions; elaborating information, guidelines, manuals and material on occupational diseases of fishers; undertaking a study on minimum wages, working conditions and social security protection; making available best practices related to occupational health and safety; and facilitating exchange and dissemination of international experiences concerning law and practice related to fishers' working conditions.

Assistance to the European Union

Article 139 of the consolidated version of the Treaty establishing the European Community provides for the possibility of the social partners to negotiate agreements on certain issues. An agreement was concluded by European shipowners and trade unions on the implementation of the MLC, 2006. A somewhat similar agreement is being considered with respect to the implementation of Convention No. 188.

The Office has been assisting the fishing sector social partners in their development of such an agreement, which is planned to be completed in 2011.

Technical cooperation projects aimed at specific countries

The Project for the Rational and Sustainable Development of the Fishing Sector⁸ funded by the Ministry of Environment and Rural and Marine Affairs of Spain has, since 2007, supported the improvement of social and working conditions of workers in the sector in four African countries (Guinea Bissau, Mauritania, Morocco and Senegal) and two Latin American countries (Ecuador and Peru). The project has been under the auspices of the ILO's SECTOR, working closely with the ILO Subregional Office for the Andean Countries in Lima (Peru), the Subregional Office for West Africa in Abidjan (Côte d'Ivoire), the Subregional Office for the Sahel Region in Dakar (Senegal), and the ILO Office in Madrid (Spain).

While promoting Convention No. 188 and Recommendation No. 199, the project has also, in the spirit of the ILO Declaration on Social Justice for a Fair Globalization and of related provisions of the Global Jobs Pact, addressed such issues as gender equality, the promotion of youth employment, the right to decent work, training in fisheries and aquaculture, and the promotion of good practices. Core activities have included the convening of training courses, workshops, seminars, campaigns and technical assistance. The work of the project began with baseline studies of the fishing sectors, from a labour perspective, in the six target countries. The project has contributed considerably to improving social dialogue in the fishing sector in the countries concerned, and has also contributed to the preparation of comparative studies (gap analyses) of national laws and regulations. Activities have been undertaken in these countries as well as in training centres in Spain. These activities have been realized with the assist-

⁸ See www.ilo.org/public/spanish/region/eurpro/madrid/download/triptico_in.pdf; www.ilo.org/public/spanish/dialogue/sector/sectors/mariti/fishing/techcoop.htm; www.ilo.org/public/spanish/region/eurpro/madrid/eventos/index_pesca.htm.

ance of the Social Marine Institute and the Occupational Safety and Health Institute of Spain.

Even before Convention No. 188 and Recommendation No. 199 were adopted, ACT/EMP and ACTRAV, working with the Turin Centre, had engaged in capacity building of fishing sector employers' and workers' organizations in Latin America through projects funded by the Spanish Ministry of Labour and Social Affairs and undertaken in collaboration with the Social Marine Institute. Courses were held at the Turin Centre and in Spain. As noted above, the outcome of this work was also used in the development of the *Handbook for improving living and working conditions on board fishing vessels* and the *Training manual on the implementation of the Work in Fishing Convention, 2007 (No. 188)*. SECTOR has contributed its technical expertise to this work.

Minimum age/child labour

One of the issues addressed by Convention No. 188 is the minimum age of fishers. Implementation of these provisions is closely related to the ILO's work to address the minimum age of all workers and the elimination of the worst forms of child labour.

The FAO's great knowledge of and influence in the fishing sector, and the ILO's in-depth knowledge of child labour issues, are both widely recognized. The FAO has shown an interest in addressing child labour in this sector. It was therefore considered important to ensure coordinated work between the FAO and the ILO. In collaboration with the ILO, the FAO hosted a workshop on child labour in fisheries and aquaculture in Rome from 14 to 16 April 2010. The ILO's involvement called for a coordinated approach by IPEC, SECTOR and NORMES which, among other things, were able to bring into the discussion ILO expertise on child labour, standards and sectors, together with the experiences of government labour inspectors and expertise from the fishing sector social partners. The outcomes of the workshop included guidance on the contents and process of developing materials on policy and practice in tackling child labour in fisheries and aquaculture. An agreement was found on conclusions and recommendations relating to the nature, causes and consequences of child labour in fisheries and aquaculture as well as on how to address them through

legal and enforcement measures, policy interventions and practical actions. Participants specified priority actions including the development of specific guidance tools to address child labour in the fishing sector and the collection and distribution of “good practices”.

Joint FAO–ILO–IMO work related to safety and health of fishers

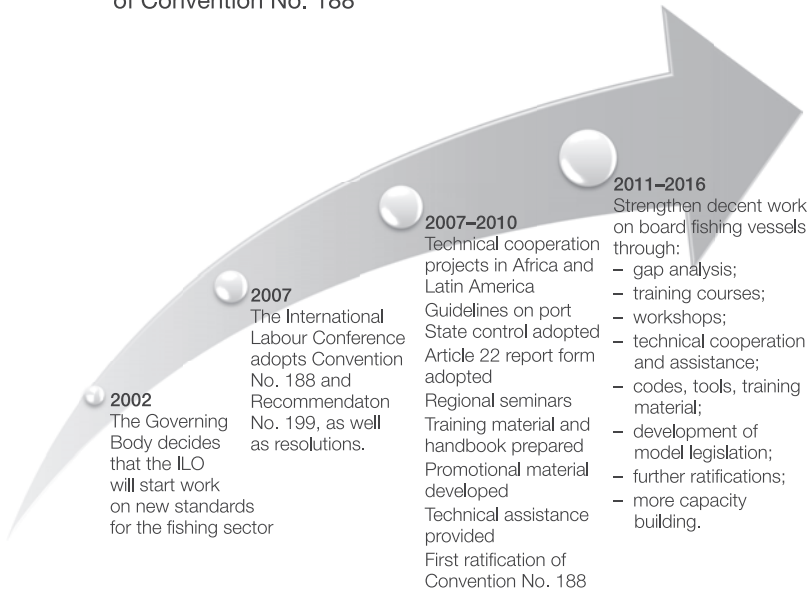
The ILO has a long history of working with the FAO and the IMO to improve the safety and health of fishers. This work is relevant to the promotion of Convention No. 188 and Recommendation No. 199, as several joint FAO–ILO–IMO publications are specifically referred to in Recommendation No. 199. Furthermore, the three organizations frequently assist each other in the promotion of each other’s standards and other instruments, and the ILO often is able to enhance the participation of the social partners in the work of the FAO and the IMO. This work continues. Status reports are frequently provided to the Committee on Sectoral and Technical Meetings and Related Issues.

Decent Work Country Programmes

The Office has promoted the inclusion of references to Convention No. 188 in Decent Work Country Programmes. Some countries have already specifically included text referring to the desire to work towards implementation and ratification of the Convention (e.g. Kiribati, Samoa, Tuvalu, Vanuatu). Others have generally referred to the importance of fishing (e.g. Bahamas, Belize, Cambodia, Indonesia, Kenya, Solomon Islands, United Republic of Tanzania, Timor-Leste, Uganda and Yemen). Moreover, actions related to the improvement of social and working conditions in fishing have been undertaken in Ecuador, Guinea Bissau, Mauritania, Morocco, Peru and Senegal through the Project for the Rational and Sustainable Development of the Fishing Sector. Brazil and India have also expressed interest in carrying out activities in the sector. Bosnia and Herzegovina has already ratified Convention No. 188.

As highlighted above, much work has already been done to promote Convention No. 188 and Recommendation No. 199. The Action

Figure 1. The way forward: Towards ratification and implementation of Convention No. 188



Plan will build upon this work, and has been developed taking into account lessons learned from promotion efforts undertaken between 2007 and 2010 as shown in figure 1.

Main challenges

The following summarizes some of the main challenges to be faced in promoting the ratification of the Convention and its implementation, as well as implementation of its accompanying Recommendation:

- how to make all fishers, fishing vessel owners, employers' organizations, workers' representative organizations, organizations and government ministries/agencies, and other persons or bodies that should know about the Convention aware of its provisions and its utility;

- how to identify those countries who have the interest and will to review, and possibly change, legislation concerning working conditions in the fishing sector;
- how to address concerns over the feasibility of the implementation of the Convention in countries that may have special problems of a substantial nature in light of the particular conditions of service of some fishers or fishing vessel operations, as well as in countries that face special problems of a substantial nature due to insufficiently developed infrastructure or institutions;
- how to strengthen the capacity of government officials to implement the Convention;
- how to strengthen the capacity of employers' and workers' representative organizations, particularly organizations of fishing vessel owners and fishers, so that they may play their essential role in the national promotion and implementation of the Convention, and how to assist these organizations to expand their membership to reach greater numbers of fishers;
- how to help encourage better cooperation and coordination among the ministries and agencies that may have a role in the review and implementation of the Convention, and that may need to coordinate the preparation or revision of their regulations;
- how to ensure that those concerned with improving working conditions of fishers are provided with useful tools that will help them to review, ratify and implement the Convention;
- how to facilitate the exchange of experiences, in particular good practices, by the ILO's constituents on the subjects addressed by the Convention;
- how to bring to bear on specific issues (e.g. child labour, social security, safety and health, legal drafting) the wealth of experience and expertise of different ILO headquarters and field units;
- how to keep the Office informed of particular needs and of progress made towards ratification and implementation, in order

to allow it to efficiently focus its human and financial resources where action is most needed and where the chances of making real improvements are greatest;

- mobilization of resources.

Summary of future action to be taken to improve conditions of work of fishers

As will be described below in more detail, the ILO plans to undertake the following types of activities to improve the conditions of work of fishers through ratification and implementation of Convention No. 188. It plans to:

- raise awareness about the purpose, scope and content of the Convention and Recommendation;
- disseminate and promote the use of existing tools (guidelines, promotional material, training courses) and develop new tools, as needed;
- assist member States in undertaking comparative analyses (gap analyses) of national laws and regulations or initiating national tripartite consultations concerning improving working conditions in the fishing sector, using Convention No. 188 as a tool to make improvements;
- assist States to develop tools to promote improved working conditions of fishers, bearing in mind the provisions of the Convention and Recommendation as well as the characteristics and needs of fishers within specific countries, localities and fisheries;
- facilitate the exchange of experiences, in particular good practices, among the ILO's constituents;
- help connect States that have specific expertise on subjects covered by the Convention with States that are looking for assistance on those subjects (e.g. South–South cooperation);
- facilitate and strengthen social dialogue and tripartism in the fishing sector;

- measure, to the extent possible, progress towards the ratification and implementation of Convention No. 188.

The following actions need to be taken by member States and/or social partners that have an interest in possibly ratifying and implementing Convention No. 188. They should:

- undertake gap analyses of national laws and regulations;
- hold national consultations concerning improving working conditions in the fishing sector, using Convention No. 188 as a framework for making improvements, where needed;
- allocate the human and financial resources needed to review, revise and implement national laws, regulations or other measures giving effect to the provisions of Convention No. 188;
- include a reference to improving conditions of work in the fishing sector, in particular a reference to giving consideration to implementing Convention No. 188, in Decent Work Country Programmes;
- share lessons learned and good practices, and possibly contribute resources to the ILO's efforts to promote the ratification and implementation of Convention No. 188.

Specific action to be taken, subject to available resources

The Office plans to undertake the following specific activities, depending on the availability of internal and external resources:

At the global level

- disseminating the *Handbook for improving living and working conditions on board fishing vessels* (which provides guidance on Convention No. 188) and the *Training manual on the implementation of the Work in Fishing Convention, 2007 (No. 188)*, to ILO constituents, fishing sector training institutions, and other interested parties;

- developing guidelines for flag State control implementation of the Work in Fishing Convention, 2007 (No. 188);⁹
- improving the ILO's website on Convention No. 188 and Recommendation No. 199 so that the site can be a better resource for those seeking to promote and implement these instruments (including, where possible, linking to other internal and external sites that provide good practices related to issues addressed in these instruments);
- assisting the Turin Centre in the delivery of training programmes on, or related to, Convention No. 188;
- publishing informal opinions prepared by the Office in reply to interpretation requests concerning the Convention and Recommendation,¹⁰ and publishing frequently asked questions and related answers concerning the Convention and Recommendation;
- preparing guidance to assist States to address issues related to the application of the Convention and Recommendation to small fishing vessels, i.e. those under 24 metres in length;
- developing guidance on addressing specific issues in the fishing sector such as child labour, medical examination and certification of fishers, equipment and supplies to be carried on board fishing vessels;
- promoting and facilitating continued social dialogue at the international level on the implementation of the Convention;
- providing guidance and disseminating good practice on hours of rest/fatigue prevention/contents of fishers' work agreements/occupational safety and health/social security protection of fishers/reporting and investigation of accidents on board fishing vessels;

⁹ In its report to the Governing Body of the ILO, the Tripartite Meeting of Experts to Adopt Port State Control Guidelines for Implementation of the Work in Fishing Convention, 2007 (No. 188), suggested, inter alia, that the ILO find resources, perhaps through external donors, for the development of guidelines for flag State control implementation of the Work in Fishing Convention, 2007 (No. 188).

¹⁰ Subject to the customary reservation that the Constitution of the International Labour Organization confers no special competence upon the International Labour Office to interpret Conventions.

- undertaking research on specific issues such as migrant fishers, pay and wages in the fishing sector, particularly on vessels operating in foreign waters under fisheries agreements;
- preparing practical information on the accommodation provisions of the Convention for use by fishing vessel designers and builders, in order to encourage them to ensure that new vessels meet the requirements of the Convention;
- placing the promotion of the ratification and implementation of Convention No. 188 and Recommendation No. 199 on the agenda of international meetings, involving the major players in the fishing industry, including relevant government ministries and fishers' organizations;
- seeking inclusion of training on Convention No. 188 in the curriculum of the World Maritime University and other IMO-affiliated international maritime training centres, as well as FAO-affiliated training institutions.

At the regional level

- placing the promotion of the ratification and implementation of Convention No. 188 and Recommendation No. 199 on the agenda of regional meetings organized or supported by the Office in cooperation with member States with tripartite participation, regional and subregional organizations;
- assisting in the establishment of regional arrangements on port State control of fishing vessels (or the expansion of existing arrangements for inspection of ships to cover inspection of fishing vessels);
- facilitating regional seminars, forums, regional training programmes, information and exchange on the issues addressed in Convention No. 188 and Recommendation No. 199;
- assisting, where requested, in the development of a social partners' agreement on the implementation of Convention No. 188 in the European Union;

At the national level

- undertaking general needs assessments of specific countries with respect to possible legislative, infrastructural or training requirements in order to be in a position to ratify Convention No. 188, with emphasis on the possibilities of international cooperation to meet the needs;
- assisting States to develop national plans of action for implementation of the Convention;
- providing assistance to countries in the preparation of legislative gap analyses/legislative reviews to determine areas of adjustment that may be needed;
- encouraging countries to establish tripartite national advisory committees to formulate advice on the preparation/revision of legislation covering fishers;
- assisting countries, upon request, to review/comment on their capacity to implement the inspection systems required by the Convention;
- supporting translation of Convention No. 188 and Recommendation No. 199 into languages other than the official ILO languages, based on interest expressed, in particular in Decent Work Country Programmes;
- promoting the integration of Convention No. 188 and Recommendation No. 199 into Decent Work Country Programmes as these are developed or reviewed;
- collecting information for each country, including progress in ratification of the Convention and any problems encountered;
- providing a timely response to requests for legal opinions or other information concerning the Convention and to inquiries concerning the assistance available;
- receiving and acting upon requests for assistance with respect to implementation of the Convention;

- commenting on draft national legislation or assisting in drafting;
- evaluating the difficulties faced by countries that have not been able to move to ratification;
- researching to address gender dimensions in national legislation;
- undertaking expert missions and participation in national seminars when requested (or providing support to ILO field officials undertaking such missions).

Assistance to representative organizations of fishing vessel owners and fishers

- assisting ACT/EMP and ACTRAV in building the capacity of representative organizations of fishing vessel owners and fishers and in providing them with information on the Convention and Recommendation.

Resource mobilization

- working with the Partnerships and Development Cooperation Department and other ILO units to identify sources of funding to support the above activities;
- assisting member States to identify donors who may wish to directly assist, with financial resources or technical expertise, in strengthening of national capacity for promotional activities with a focus on targeted workshops and training sessions for ILO member States that have not ratified the Convention as well as members that have ratified it but need support for implementation;
- submitting a concept note to donors on related activities that could be undertaken in interested countries with the donors' financial support;
- seeking an extension of the Project for the Rational and Sustainable Development of the Fishing Sector (covering selected countries in Africa and Latin America).

II. The Action Plan in the context of the ILO's Strategic Policy Framework

The Strategic Policy Framework 2010–15 provides the context for the present Action Plan.

The Action Plan will contribute in particular to the realization of outcomes 13, 4, 5, 6, 9, 10, 11, 16, 18 and 19 of the Strategic Policy Framework 2010–15 (see table 1). The work may therefore involve, in a coordinated way, the expertise of several ILO units.

Table 1. Relationship between the Action Plan and the ILO's Strategic Policy Framework 2010–15

Outcome number	Outcome description
13	<i>Decent work in economic sectors:</i> A sector-specific approach to decent work is applied
4	<i>Social security:</i> More people have access to better managed and more gender equitable social security benefits
5	<i>Working conditions:</i> Women and men have improved and more equitable working conditions
6	<i>Occupational safety and health:</i> Workers and enterprises benefit from improved safety and health conditions at work
9	<i>Employers' organizations:</i> Employers have strong, independent and representative organizations
10	<i>Workers' organizations:</i> Workers have strong, independent and representative organizations
11	<i>Labour administration and labour law:</i> Labour administrations apply up-to-date labour legislation and provide effective services
16	<i>Child labour:</i> Child labour is eliminated, with priority being given to the worst forms
18	<i>International labour standards:</i> International labour standards are ratified and applied (implies the ratification and implementation of Convention No. 188 and Recommendation No. 199)
19	<i>Mainstreaming decent work:</i> Member States place an integrated approach to decent work at the heart of their economic and social policies, supported by key UN and other multilateral agencies

III. Relationship to the Global Jobs Pact

This Action Plan will contribute to the implementation of the Global Jobs Pact in particular by strengthening social dialogue and tripartism in the fishing sector, which may carry over into efforts to build consensus on relevant national and international policies and strategies related to future employment opportunities for fishers (as well as transitioning fishers to other forms of work, where necessary, due to environmental or economic reasons).

IV. Implementing partners

With SECTOR and NORMES as lead units and in close collaboration with ACTRAV and ACT/EMP, this Action Plan will enhance the promotion of the ratification of Convention No. 188 and ensure coordinated action for implementation. It is expected that this collaboration will involve specialists at headquarters and other specialists in the field, LAB/ADMIN, SafeWork, IPEC, SEC/SOC, the Social Dialogue Sector and the Turin Centre.

The efforts to increase the visibility of Convention No. 188 and of the need to improve working conditions in the fishing sector will be made in cooperation with other relevant international and regional bodies as appropriate, including the IMO, FAO, United Nations Environment Programme (UNEP), IOE, ITUC, ITF and the European Union.

Consultations will continue to be made on the implementation of this Action Plan and possible modifications, between the ILO's Employers' and Workers' groups and thus through the social partners in the fishing sector.

V. Strategy

In line with the strategic objectives of the ILO as they relate to a sector-specific approach to decent work, the Action Plan will increase

awareness in the fishing sector of Convention No. 188 and Recommendation No. 199 and help place ratification and implementation of these instruments high on the national agendas of member States with fishing interests.

Promoting ratification and implementation and providing assistance, where needed, are interrelated activities: ratification will often depend upon the availability of technical assistance to help governments to develop national laws and regulations and build the necessary administrative capacity.

To focus resources and to measure progress, the Action Plan will set some general targets to be reached within and by the end of the five-year period. Reaching these targets will of course depend in part on resources and on the will and capacity of member States and others within the period concerned.

The Office will also seek to place high priority on the promotion of Convention No. 188 in States with large numbers of fishers, with large international fleets and/or large numbers of vessels of 24 metres in length or more (or 300 gross tons or more); States which receive a large number of port visits from foreign vessels; and States having mentioned fishing as a priority in Decent Work Country Programmes. It will also seek to obtain at least one ratification in each ILO region.

Targets, indicators and monitoring

Progress related to awareness-raising and the assistance for ratification and effective implementation of the Convention and its accompanying Recommendation will be measured in a number of different ways and at different levels, consistent with the multi-level and multi-partner approach. It will be monitored on the basis of the indicators in table 2.

The progress of the Action Plan will be monitored on a yearly basis and evaluated using these indicators and targets/measurements and in accordance with standard ILO procedures. The progress reports will be prepared by the Office.

Table 2. Measuring progress towards the ratification and implementation of the Work in Fishing Convention, 2007 (No. 188)

Indicator	Target/measurement
Ratification by member States	5 ratifications registered with the Director-General of the ILO by the end of 2012 10 ratifications registered well before the end of 2016 (at least one in each ILO region)
Partial changes to national laws, regulations and other measures in line with Convention No. 188	10 partial changes (as indicated by new laws or regulations, or amendments thereto) by the end of 2016
Comparative analyses undertaken	10 new comparative analyses of Convention No. 188 and national laws and regulations by 2012 20 comparative analyses of Convention No. 188 and national laws and regulations by the end of 2016
Tripartite national seminars, workshops or other events held in member States, or tripartite committees formed for the purpose of reviewing Convention No. 188	10 held by 2012 20 held by the end of 2016
Requests for legal assistance or clarification	10 by 2012 20 by the end of 2016
Number of training courses held on Convention No. 188 and Recommendation No. 199	5 by 2012 15 by the end of 2016
References to Convention No. 188 in Decent Work Country Programmes	10 by 2012 20 by 2016
Examples of exchanges of best practices and technical assistance, among member States related to the implementation of Convention No. 188	10 examples by the end of 2016
Governments, employers (fishing vessel owner), workers (fishers' representatives) trained on Convention No. 188 (either at the Turin Centre or by others)	50 by 2010 200 by 2016
New tools developed on Convention No. 188 or specific subjects addressed by Convention No. 188 (specific to the fishing sector), by the Office (SECTOR, NORMES or other units, or through collaboration among several units)	4 by 2016

INTERNATIONAL LABOUR CONFERENCE

Convention 188

CONVENTION CONCERNING WORK IN THE FISHING SECTOR

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its ninety-
sixth Session on 30 May 2007, and

Recognizing that globalization has a profound impact on the fishing
sector, and

Noting the ILO Declaration on Fundamental Principles and Rights
at Work, 1998, and

Taking into consideration the fundamental rights to be found in the
following international labour Conventions: the Forced
Labour Convention, 1930 (No. 29), the Freedom of Associa-
tion and Protection of the Right to Organise Convention,
1948 (No. 87), the Right to Organise and Collective Bargain-
ing Convention, 1949 (No. 98), the Equal Remuneration Con-
vention, 1951 (No. 100), the Abolition of Forced Labour
Convention, 1957 (No. 105), the Discrimination (Employ-
ment and Occupation) Convention, 1958 (No. 111), the Mini-
mum Age Convention, 1973 (No. 138), and the Worst Forms
of Child Labour Convention, 1999 (No. 182), and

Noting the relevant instruments of the International Labour Organ-
ization, in particular the Occupational Safety and Health Con-
vention (No. 155) and Recommendation (No. 164), 1981, and
the Occupational Health Services Convention (No. 161)
and Recommendation (No. 171), 1985, and

Noting, in addition, the Social Security (Minimum Standards) Con-
vention, 1952 (No. 102), and considering that the provisions of

- Article 77 of that Convention should not be an obstacle to protection extended by Members to fishers under social security schemes, and
- Recognizing that the International Labour Organization considers fishing as a hazardous occupation when compared to other occupations, and
- Noting also Article 1, paragraph 3, of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and
- Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and
- Mindful of the need to protect and promote the rights of fishers in this regard, and
- Recalling the United Nations Convention on the Law of the Sea, 1982, and
- Taking into account the need to revise the following international Conventions adopted by the International Labour Conference specifically concerning the fishing sector, namely the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), to bring them up to date and to reach a greater number of the world's fishers, particularly those working on board smaller vessels, and
- Noting that the objective of this 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, and
- Having decided upon the adoption of certain proposals with regard to work in the fishing sector, which is the fourth item on the agenda of the session, and

CONVENTION CONCERNING WORK IN THE FISHING SECTOR

Having determined that these proposals shall take the form of an international Convention;

adopts this fourteenth day of June of the year two thousand and seven the following Convention, which may be cited as the Work in Fishing Convention, 2007.

PART I. DEFINITIONS AND SCOPE

DEFINITIONS

Article 1

For the purposes of the Convention:

- (a) “commercial fishing” means all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing;
- (b) “competent authority” means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;
- (c) “consultation” means consultation by the competent authority with the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist;
- (d) “fishing vessel owner” means the owner of the fishing vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with the Convention, regardless of whether any other organization or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner;

- (e) “fisher” means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers;
- (f) “fisher’s work agreement” means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisher’s living and working conditions on board a vessel;
- (g) “fishing vessel” or “vessel” means any ship or boat, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing;
- (h) “gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it;
- (i) “length” (L) shall be taken as 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline;
- (j) “length overall” (LOA) shall be taken as the distance in a straight line parallel to the designed waterline between the foremost point of the bow and the aftermost point of the stern;
- (k) “recruitment and placement service” means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, fishing vessel owners;
- (l) “skipper” means the fisher having command of a fishing vessel.

SCOPE

Article 2

1. Except as otherwise provided herein, this Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations.

2. In the event of doubt as to whether a vessel is engaged in commercial fishing, the question shall be determined by the competent authority after consultation.

3. Any Member, after consultation, may extend, in whole or in part, to fishers working on smaller vessels the protection provided in this Convention for fishers working on vessels of 24 metres in length and over.

Article 3

1. Where the application of the Convention raises special problems of a substantial nature in the light of the particular conditions of service of the fishers or of the fishing vessels' operations concerned, a Member may, after consultation, exclude from the requirements of this Convention, or from certain of its provisions:

- (a) fishing vessels engaged in fishing operations in rivers, lakes or canals;
- (b) limited categories of fishers or fishing vessels.

2. In case of exclusions under the preceding paragraph, and where practicable, the competent authority shall take measures, as appropriate, to extend progressively the requirements under this Convention to the categories of fishers and fishing vessels concerned.

3. Each Member which ratifies this Convention shall:

- (a) in its first report on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:
 - (i) list any categories of fishers or fishing vessels excluded under paragraph 1;
 - (ii) give the reasons for any such exclusions, stating the respective positions of the representative organizations of

- employers and workers concerned, in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
- (iii) describe any measures taken to provide equivalent protection to the excluded categories; and
- (b) in subsequent reports on the application of the Convention, describe any measures taken in accordance with paragraph 2.

Article 4

1. Where it is not immediately possible for a Member to implement all of the measures provided for in this Convention owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions, the Member may, in accordance with a plan drawn up in consultation, progressively implement all or some of the following provisions:

- (a) Article 10, paragraph 1;
- (b) Article 10, paragraph 3, in so far as it applies to vessels remaining at sea for more than three days;
- (c) Article 15;
- (d) Article 20;
- (e) Article 33; and
- (f) Article 38.

2. Paragraph 1 does not apply to fishing vessels which:

- (a) are 24 metres in length and over; or
- (b) remain at sea for more than seven days; or
- (c) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater; or
- (d) are subject to port State control as provided for in Article 43 of this Convention, except where port State control arises through a situation of force majeure,

nor to fishers working on such vessels.

3. Each Member which avails itself of the possibility afforded in paragraph 1 shall:

- (a) in its first report on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:
 - (i) indicate the provisions of the Convention to be progressively implemented;
 - (ii) explain the reasons and state the respective positions of representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
 - (iii) describe the plan for progressive implementation; and
- (b) in subsequent reports on the application of this Convention, describe measures taken with a view to giving effect to all of the provisions of the Convention.

Article 5

1. For the purpose of this Convention, the competent authority, after consultation, may decide to use length overall (LOA) in place of length (L) as the basis for measurement, in accordance with the equivalence set out in Annex I. In addition, for the purpose of the paragraphs specified in Annex III of this Convention, the competent authority, after consultation, may decide to use gross tonnage in place of length (L) or length overall (LOA) as the basis for measurement in accordance with the equivalence set out in Annex III.

2. In the reports submitted under article 22 of the Constitution, the Member shall communicate the reasons for the decision taken under this Article and any comments arising from the consultation.

PART II. GENERAL PRINCIPLES

IMPLEMENTATION

Article 6

1. Each Member shall implement and enforce laws, regulations or other measures that it has adopted to fulfil its commitments under

this Convention with respect to fishers and fishing vessels under its jurisdiction. Other measures may include collective agreements, court decisions, arbitration awards, or other means consistent with national law and practice.

2. Nothing in this Convention shall affect any law, award or custom, or any agreement between fishing vessel owners and fishers, which ensures more favourable conditions than those provided for in this Convention.

COMPETENT AUTHORITY AND COORDINATION

Article 7

Each Member shall:

- (a) designate the competent authority or authorities; and
- (b) establish mechanisms for coordination among relevant authorities for the fishing sector at the national and local levels, as appropriate, and define their functions and responsibilities, taking into account their complementarities and national conditions and practice.

RESPONSIBILITIES OF FISHING VESSEL OWNERS, SKIPPERS AND FISHERS

Article 8

1. The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with the obligations of this Convention.

2. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to the following areas:

- (a) providing such supervision as will ensure that, as far as possible, fishers perform their work in the best conditions of safety and health;

CONVENTION CONCERNING WORK IN THE FISHING SECTOR

- (b) managing the fishers in a manner which respects safety and health, including prevention of fatigue;
- (c) facilitating on-board occupational safety and health awareness training; and
- (d) ensuring compliance with safety of navigation, watchkeeping and associated good seamanship standards.

3. The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgement of the skipper, is necessary for the safety of the vessel and its safe navigation and safe operation, or the safety of the fishers on board.

4. Fishers shall comply with the lawful orders of the skipper and applicable safety and health measures.

PART III. MINIMUM REQUIREMENTS FOR WORK
ON BOARD FISHING VESSELS

MINIMUM AGE

Article 9

1. The minimum age for work on board a fishing vessel shall be 16 years. However, the competent authority may authorize a minimum age of 15 for persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing.

2. The competent authority, in accordance with national laws and practice, may authorize persons of the age of 15 to perform light work during school holidays. In such cases, it shall determine, after consultation, the kinds of work permitted and shall prescribe the conditions in which such work shall be undertaken and the periods of rest required.

3. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they

are carried out are likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years.

4. The types of activities to which paragraph 3 of this Article applies shall be determined by national laws or regulations, or by the competent authority, after consultation, taking into account the risks concerned and the applicable international standards.

5. The performance of the activities referred to in paragraph 3 of this Article as from the age of 16 may be authorized by national laws or regulations, or by decision of the competent authority, after consultation, on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training.

6. The engagement of fishers under the age of 18 for work at night shall be prohibited. For the purpose of this Article, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m. An exception to strict compliance with the night work restriction may be made by the competent authority when:

- (a) the effective training of the fishers concerned, in accordance with established programmes and schedules, would be impaired; or
- (b) the specific nature of the duty or a recognized training programme requires that fishers covered by the exception perform duties at night and the authority determines, after consultation, that the work will not have a detrimental impact on their health or well-being.

7. Nothing in this Article shall affect any obligations assumed by the Member arising from the ratification of any other international labour Convention.

MEDICAL EXAMINATION

Article 10

1. No fishers shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties.

2. The competent authority, after consultation, may grant exemptions from the application of paragraph 1 of this Article, taking into account the safety and health of fishers, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation, and type of fishing operation.

3. The exemptions in paragraph 2 of this Article shall not apply to a fisher working on a fishing vessel of 24 metres in length and over or which normally remains at sea for more than three days. In urgent cases, the competent authority may permit a fisher to work on such a vessel for a period of a limited and specified duration until a medical certificate can be obtained, provided that the fisher is in possession of an expired medical certificate of a recent date.

Article 11

Each Member shall adopt laws, regulations or other measures providing for:

- (a) the nature of medical examinations;
- (b) the form and content of medical certificates;
- (c) the issue of a medical certificate by a duly qualified medical practitioner or, in the case of a certificate solely concerning eyesight, by a person recognized by the competent authority as qualified to issue such a certificate; these persons shall enjoy full independence in exercising their professional judgement;
- (d) the frequency of medical examinations and the period of validity of medical certificates;
- (e) the right to a further examination by a second independent medical practitioner in the event that a person has been refused a certificate or has had limitations imposed on the work he or she may perform; and
- (f) other relevant requirements.

Article 12

In addition to the requirements set out in Article 10 and Article 11, on a fishing vessel of 24 metres in length and over, or on a vessel which normally remains at sea for more than three days:

1. The medical certificate of a fisher shall state, at a minimum, that:

- (a) the hearing and sight of the fisher concerned are satisfactory for the fisher's duties on the vessel; and
- (b) the fisher is not suffering from any medical condition likely to be aggravated by service at sea or to render the fisher unfit for such service or to endanger the safety or health of other persons on board.

2. The medical certificate shall be valid for a maximum period of two years unless the fisher is under the age of 18, in which case the maximum period of validity shall be one year.

3. If the period of validity of a certificate expires in the course of a voyage, the certificate shall remain in force until the end of that voyage.

PART IV. CONDITIONS OF SERVICE

MANNING AND HOURS OF REST

Article 13

Each Member shall adopt laws, regulations or other measures requiring that owners of fishing vessels flying its flag ensure that:

- (a) their vessels are sufficiently and safely manned for the safe navigation and operation of the vessel and under the control of a competent skipper; and
- (b) fishers are given regular periods of rest of sufficient length to ensure safety and health.

Article 14

1. In addition to the requirements set out in Article 13, the competent authority shall:

- (a) for vessels of 24 metres in length and over, establish a minimum level of manning for the safe navigation of the vessel, specifying the number and the qualifications of the fishers required;

- (b) for fishing vessels regardless of size remaining at sea for more than three days, after consultation and for the purpose of limiting fatigue, establish the minimum hours of rest to be provided to fishers. Minimum hours of rest shall not be less than:
- (i) ten hours in any 24-hour period; and
 - (ii) 77 hours in any seven-day period.

2. The competent authority may permit, for limited and specified reasons, temporary exceptions to the limits established in paragraph 1(b) of this Article. However, in such circumstances, it shall require that fishers shall receive compensatory periods of rest as soon as practicable.

3. The competent authority, after consultation, may establish alternative requirements to those in paragraphs 1 and 2 of this Article. However, such alternative requirements shall be substantially equivalent and shall not jeopardize the safety and health of the fishers.

4. Nothing in this Article shall be deemed to impair the right of the skipper of a vessel to require a fisher to perform any hours of work necessary for the immediate safety of the vessel, the persons on board or the catch, or for the purpose of giving assistance to other boats or ships or persons in distress at sea. Accordingly, the skipper may suspend the schedule of hours of rest and require a fisher to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the skipper shall ensure that any fishers who have performed work in a scheduled rest period are provided with an adequate period of rest.

CREW LIST

Article 15

Every fishing vessel shall carry a crew list, a copy of which shall be provided to authorized persons ashore prior to departure of the vessel, or communicated ashore immediately after departure of the vessel. The competent authority shall determine to whom and when such information shall be provided and for what purpose or purposes.

FISHER'S WORK AGREEMENT

Article 16

Each Member shall adopt laws, regulations or other measures:

- (a) requiring that fishers working on vessels flying its flag have the protection of a fisher's work agreement that is comprehensible to them and is consistent with the provisions of this Convention; and
- (b) specifying the minimum particulars to be included in fishers' work agreements in accordance with the provisions contained in Annex II.

Article 17

Each Member shall adopt laws, regulations or other measures regarding:

- (a) procedures for ensuring that a fisher has an opportunity to review and seek advice on the terms of the fisher's work agreement before it is concluded;
- (b) where applicable, the maintenance of records concerning the fisher's work under such an agreement; and
- (c) the means of settling disputes in connection with a fisher's work agreement.

Article 18

The fisher's work agreement, a copy of which shall be provided to the fisher, shall be carried on board and be available to the fisher and, in accordance with national law and practice, to other concerned parties on request.

Article 19

Articles 16 to 18 and Annex II do not apply to a fishing vessel owner who is also single-handedly operating the vessel.

Article 20

It shall be the responsibility of the fishing vessel owner to ensure that each fisher has a written fisher's work agreement signed by both

the fisher and the fishing vessel owner or by an authorized representative of the fishing vessel owner (or, where fishers are not employed or engaged by the fishing vessel owner, the fishing vessel owner shall have evidence of contractual or similar arrangements) providing decent work and living conditions on board the vessel as required by this Convention.

REPATRIATION

Article 21

1. Members shall ensure that fishers on a fishing vessel that flies their flag and that enters a foreign port are entitled to repatriation in the event that the fisher's work agreement has expired or has been terminated for justified reasons by the fisher or by the fishing vessel owner, or the fisher is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out in the specific circumstances. This also applies to fishers from that vessel who are transferred for the same reasons from the vessel to the foreign port.

2. The cost of the repatriation referred to in paragraph 1 of this Article shall be borne by the fishing vessel owner, except where the fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of his or her work agreement obligations.

3. Members shall prescribe, by means of laws, regulations or other measures, the precise circumstances entitling a fisher covered by paragraph 1 of this Article to repatriation, the maximum duration of service periods on board following which a fisher is entitled to repatriation, and the destinations to which fishers may be repatriated.

4. If a fishing vessel owner fails to provide for the repatriation referred to in this Article, the Member whose flag the vessel flies shall arrange for the repatriation of the fisher concerned and shall be entitled to recover the cost from the fishing vessel owner.

5. National laws and regulations shall not prejudice any right of the fishing vessel owner to recover the cost of repatriation under third party contractual agreements.

RECRUITMENT AND PLACEMENT

Article 22

Recruitment and placement of fishers

1. Each Member that operates a public service providing recruitment and placement for fishers shall ensure that the service forms part of, or is coordinated with, a public employment service for all workers and employers.

2. Any private service providing recruitment and placement for fishers which operates in the territory of a Member shall do so in conformity with a standardized system of licensing or certification or other form of regulation, which shall be established, maintained or modified only after consultation.

3. Each Member shall, by means of laws, regulations or other measures:

- (a) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work;
- (b) require that no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher; and
- (c) determine the conditions under which any licence, certificate or similar authorization of a private recruitment or placement service may be suspended or withdrawn in case of violation of relevant laws or regulations; and specify the conditions under which private recruitment and placement services can operate.

Private employment agencies

4. 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 enter-

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prise” for the purpose of that Convention, shall be determined and allocated, as provided for in Article 12 of that Convention. Such a Member shall adopt laws, regulations or other measures to ensure that no allocation of the respective responsibilities or obligations to the private employment agencies providing the service and to the “user enterprise” pursuant to this Convention shall preclude the fisher from asserting a right to a lien arising against the fishing vessel.

5. Notwithstanding the provisions of paragraph 4, the fishing vessel owner shall be liable in the event that the private employment agency defaults on its obligations to a fisher for whom, in the context of the Private Employment Agencies Convention, 1997 (No. 181), the fishing vessel owner is the “user enterprise”.

6. Nothing in this Convention shall be deemed to impose on a Member the obligation to allow the operation in its fishing sector of private employment agencies as referred to in paragraph 4 of this Article.

PAYMENT OF FISHERS

Article 23

Each Member, after consultation, shall adopt laws, regulations or other measures providing that fishers who are paid a wage are ensured a monthly or other regular payment.

Article 24

Each Member shall require that all fishers working on board fishing vessels shall be given a means to transmit all or part of their payments received, including advances, to their families at no cost.

PART V. ACCOMODATION AND FOOD

Article 25

Each Member shall adopt laws, regulations or other measures for fishing vessels that fly its flag with respect to accommodation, food and potable water on board.

Article 26

Each Member shall adopt laws, regulations or other measures requiring that accommodation on board fishing vessels that fly its flag shall be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures shall address, as appropriate, the following issues:

- (a) approval of plans for the construction or modification of fishing vessels in respect of accommodation;
- (b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions;
- (c) ventilation, heating, cooling and lighting;
- (d) mitigation of excessive noise and vibration;
- (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;
- (f) sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and
- (g) procedures for responding to complaints concerning accommodation that does not meet the requirements of this Convention.

Article 27

Each Member shall adopt laws, regulations or other measures requiring that:

- (a) the food carried and served on board be of a sufficient nutritional value, quality and quantity;
- (b) potable water be of sufficient quality and quantity; and
- (c) the food and water shall be provided by the fishing vessel owner at no cost to the fisher. However, in accordance with national laws and regulations, the cost can be recovered as an operational cost if the collective agreement governing a share system or a fisher's work agreement so provides.

Article 28

1. The laws, regulations or other measures to be adopted by the Member in accordance with Articles 25 to 27 shall give full effect to

Annex III concerning fishing vessel accommodation. Annex III may be amended in the manner provided for in Article 45.

2. A Member which is not in a position to implement the provisions of Annex III may, after consultation, adopt provisions in its laws and regulations or other measures which are substantially equivalent to the provisions set out in Annex III, with the exception of provisions related to Article 27.

PART VI. MEDICAL CARE, HEALTH PROTECTION
AND SOCIAL SECURITY

MEDICAL CARE

Article 29

Each Member shall adopt laws, regulations or other measures requiring that:

- (a) fishing vessels carry appropriate medical equipment and medical supplies for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (b) fishing vessels have at least one fisher on board who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies for the vessel concerned, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (c) medical equipment and supplies carried on board be accompanied by instructions or other information in a language and format understood by the fisher or fishers referred to in subparagraph (b);
- (d) fishing vessels be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage; and
- (e) fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness.

Article 30

For fishing vessels of 24 metres in length and over, taking into account the number of fishers on board, the area of operation and the duration of the voyage, each Member shall adopt laws, regulations or other measures requiring that:

- (a) the competent authority prescribe the medical equipment and medical supplies to be carried on board;
- (b) the medical equipment and medical supplies carried on board be properly maintained and inspected at regular intervals established by the competent authority by responsible persons designated or approved by the competent authority;
- (c) the vessels carry a medical guide adopted or approved by the competent authority, or the latest edition of the *International medical guide for ships*;
- (d) the vessels have access to a prearranged system of medical advice to vessels at sea by radio or satellite communication, including specialist advice, which shall be available at all times;
- (e) the vessels carry on board a list of radio or satellite stations through which medical advice can be obtained; and
- (f) to the extent consistent with the Member's national law and practice, medical care while the fisher is on board or landed in a foreign port be provided free of charge to the fisher.

OCCUPATIONAL SAFETY AND HEALTH
AND ACCIDENT PREVENTION

Article 31

Each Member shall adopt laws, regulations or other measures concerning:

- (a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;

- (b) training for fishers in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged;
- (c) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of the safety and health of fishers under the age of 18;
- (d) the reporting and investigation of accidents on board fishing vessels flying its flag; and
- (e) the setting up of joint committees on occupational safety and health or, after consultation, of other appropriate bodies.

Article 32

1. The requirements of this Article shall apply to fishing vessels of 24 metres in length and over normally remaining at sea for more than three days and, after consultation, to other vessels, taking into account the number of fishers on board, the area of operation, and the duration of the voyage.

2. The competent authority shall:

- (a) after consultation, require that the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; and
- (b) require that fishing vessel owners, skippers, fishers and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels.

3. Fishing vessel owners shall:

- (a) ensure that every fisher on board is provided with appropriate personal protective clothing and equipment;
- (b) ensure that every fisher on board has received basic safety training approved by the competent authority; the competent authority may grant written exemptions from this requirement for fishers

- who have demonstrated equivalent knowledge and experience;
and
- (c) ensure that fishers are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned.

Article 33

Risk evaluation in relation to fishing shall be conducted, as appropriate, with the participation of fishers or their representatives.

SOCIAL SECURITY

Article 34

Each Member shall ensure that fishers ordinarily resident in its territory, and their dependants to the extent provided in national law, are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers, including employed and self-employed persons, ordinarily resident in its territory.

Article 35

Each Member shall undertake to take steps, according to national circumstances, to achieve progressively comprehensive social security protection for all fishers who are ordinarily resident in its territory.

Article 36

Members shall cooperate through bilateral or multilateral agreements or other arrangements, in accordance with national laws, regulations or practice:

- (a) to achieve progressively comprehensive social security protection for fishers, taking into account the principle of equality of treatment irrespective of nationality; and
- (b) to ensure the maintenance of social security rights which have been acquired or are in the course of acquisition by all fishers regardless of residence.

Article 37

Notwithstanding the attribution of responsibilities in Articles 34, 35 and 36, Members may determine, through bilateral and multilateral agreements and through provisions adopted in the framework of regional economic integration organizations, other rules concerning the social security legislation to which fishers are subject.

PROTECTION IN THE CASE OF WORK-RELATED SICKNESS,
INJURY OR DEATH

Article 38

1. Each Member shall take measures to provide fishers with protection, in accordance with national laws, regulations or practice, for work-related sickness, injury or death.

2. In the event of injury due to occupational accident or disease, the fisher shall have access to:

- (a) appropriate medical care; and
- (b) the corresponding compensation in accordance with national laws and regulations.

3. Taking into account the characteristics within the fishing sector, the protection referred to in paragraph 1 of this Article may be ensured through:

- (a) a system for fishing vessel owners' liability; or
- (b) compulsory insurance, workers' compensation or other schemes.

Article 39

1. In the absence of national provisions for fishers, each Member shall adopt laws, regulations or other measures to ensure that fishing vessel owners are responsible for the provision to fishers on vessels flying its flag, of health protection and medical care while employed or engaged or working on a vessel at sea or in a foreign port. Such laws, regulations or other measures shall ensure that fishing vessel owners are responsible for defraying the expenses of medical care, including

related material assistance and support, during medical treatment in a foreign country, until the fisher has been repatriated.

2. National laws or regulations may permit the exclusion of the liability of the fishing vessel owner if the injury occurred otherwise than in the service of the vessel or the sickness or infirmity was concealed during engagement, or the injury or sickness was due to wilful misconduct of the fisher.

PART VII. COMPLIANCE AND ENFORCEMENT

Article 40

Each Member shall effectively exercise its jurisdiction and control over vessels that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention including, as appropriate, inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws or regulations.

Article 41

1. Members shall require that fishing vessels remaining at sea for more than three days, which:

- (a) are 24 metres in length and over; or
- (b) normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag State or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater,

carry a valid document issued by the competent authority stating that the vessel has been inspected by the competent authority or on its behalf, for compliance with the provisions of this Convention concerning living and working conditions.

2. The period of validity of such document may coincide with the period of validity of a national or an international fishing vessel safety certificate, but in no case shall such period of validity exceed five years.

Article 42

1. The competent authority shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under Article 41.
2. In establishing an effective system for the inspection of living and working conditions on board fishing vessels, a Member, where appropriate, may authorize public institutions or other organizations that it recognizes as competent and independent to carry out inspections and issue documents. In all cases, the Member shall remain fully responsible for the inspection and issuance of the related documents concerning the living and working conditions of the fishers on fishing vessels that fly its flag.

Article 43

1. A Member which receives a complaint or obtains evidence that a fishing vessel that flies its flag does not conform to the requirements of this Convention shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.
2. If a Member, in whose port a fishing vessel calls in the normal course of its business or for operational reasons, receives a complaint or obtains evidence that such vessel does not conform to the requirements of this Convention, it may prepare a report addressed to the government of the flag State of the vessel, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.
3. In taking the measures referred to in paragraph 2 of this Article, the Member shall notify forthwith the nearest representative of the flag State and, if possible, shall have such representative present. The Member shall not unreasonably detain or delay the vessel.
4. For the purpose of this Article, the complaint may be submitted by a fisher, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the vessel, including an interest in safety or health hazards to the fishers on board.

5. This Article does not apply to complaints which a Member considers to be manifestly unfounded.

Article 44

Each Member shall apply this Convention in such a way as to ensure that the fishing vessels flying the flag of any State that has not ratified this Convention do not receive more favourable treatment than fishing vessels that fly the flag of any Member that has ratified it.

PART VIII. AMENDMENT OF ANNEXES I, II AND III

Article 45

1. Subject to the relevant provisions of this Convention, the International Labour Conference may amend Annexes I, II and III. The Governing Body of the International Labour Office may place an item on the agenda of the Conference regarding proposals for such amendments established by a tripartite meeting of experts. The decision to adopt the proposals shall require a majority of two-thirds of the votes cast by the delegates present at the Conference, including at least half the Members that have ratified this Convention.

2. Any amendment adopted in accordance with paragraph 1 of this Article shall enter into force six months after the date of its adoption for any Member that has ratified this Convention, unless such Member has given written notice to the Director-General of the International Labour Office that it shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification.

PART IX. FINAL PROVISIONS

Article 46

This Convention revises the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Conven-

tion, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).

Article 47

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 48

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of ten Members, eight of which are coastal States, have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification is registered.

Article 49

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 50

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations that have been communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required to bring the Convention into force, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 51

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and denunciations registered by the Director-General.

Article 52

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part, taking into account also the provisions of Article 45.

Article 53

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 49 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 54

The English and French versions of the text of this Convention are equally authoritative.

ANNEX I

EQUIVALENCE IN MEASUREMENT

For the purpose of this Convention, where the competent authority, after consultation, decides to use length overall (LOA) rather than length (L) as the basis of measurement:

- (a) a length overall (LOA) of 16.5 metres shall be considered equivalent to a length (L) of 15 metres;
- (b) a length overall (LOA) of 26.5 metres shall be considered equivalent to a length (L) of 24 metres;
- (c) a length overall (LOA) of 50 metres shall be considered equivalent to a length (L) of 45 metres.

ANNEX II

FISHER'S WORK AGREEMENT

The fisher's work agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable:

- (a) the fisher's family name and other names, date of birth or age, and birth-place;
- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work;
- (d) the name of the employer, or fishing vessel owner, or other party to the agreement with the fisher;
- (e) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (f) the capacity in which the fisher is to be employed or engaged;
- (g) if possible, the place at which and date on which the fisher is required to report on board for service;
- (h) the provisions to be supplied to the fisher, unless some alternative system is provided for by national law or regulation;
- (i) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
- (j) the termination of the agreement and the conditions thereof, namely:
 - (i) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
 - (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period

- shall not be less for the employer, or fishing vessel owner or other party to the agreement with the fisher;
- (k) the protection that will cover the fisher in the event of sickness, injury or death in connection with service;
 - (l) the amount of paid annual leave or the formula used for calculating leave, where applicable;
 - (m) the health and social security coverage and benefits to be provided to the fisher by the employer, fishing vessel owner, or other party or parties to the fisher's work agreement, as applicable;
 - (n) the fisher's entitlement to repatriation;
 - (o) a reference to the collective bargaining agreement, where applicable;
 - (p) the minimum periods of rest, in accordance with national laws, regulations or other measures; and
 - (q) any other particulars which national law or regulation may require.

ANNEX III

FISHING VESSEL ACCOMODATION

General provisions

1. For the purposes of this Annex:
 - (a) “new fishing vessel” means a vessel for which:
 - (i) the building or major conversion contract has been placed on or after the date of the entry into force of the Convention for the Member concerned; or
 - (ii) the building or major conversion contract has been placed before the date of the entry into force of the Convention for the Member concerned, and which is delivered three years or more after that date; or
 - (iii) in the absence of a building contract, on or after the date of the entry into force of the Convention for the Member concerned:
 - the keel is laid, or
 - construction identifiable with a specific vessel begins, or
 - assembly has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less;
 - (b) “existing vessel” means a vessel that is not a new fishing vessel.

2. The following shall apply to all new, decked fishing vessels, subject to any exclusions provided for in accordance with Article 3 of the Convention. The competent authority may, after consultation, also apply the requirements of this Annex to existing vessels, when and in so far as it determines that this is reasonable and practicable.

3. The competent authority, after consultation, may permit variations to the provisions of this Annex for fishing vessels normally remaining at sea for less than 24 hours where the fishers do not live on board the vessel in port. In the case of such vessels, the competent authority shall ensure that the fishers concerned have adequate facilities for resting, eating and sanitation purposes.

4. Any variations made by a Member under paragraph 3 of this Annex shall be reported to the International Labour Office under article 22 of the Constitution of the International Labour Organisation.

5. The requirements for vessels of 24 metres in length and over may be applied to vessels between 15 and 24 metres in length where the competent authority determines, after consultation, that this is reasonable and practicable.

6. Fishers working on board feeder vessels which do not have appropriate accommodation and sanitary facilities shall be provided with such accommodation and facilities on board the mother vessel.

7. Members may extend the requirements of this Annex regarding noise and vibration, ventilation, heating and air conditioning, and lighting to enclosed working spaces and spaces used for storage if, after consultation, such application is considered appropriate and will not have a negative influence on the function of the process or working conditions or the quality of the catches.

8. The use of gross tonnage as referred to in Article 5 of the Convention is limited to the following specified paragraphs of this Annex: 14, 37, 38, 41, 43, 46, 49, 53, 55, 61, 64, 65 and 67. For these purposes, where the competent authority, after consultation, decides to use gross tonnage (gt) as the basis of measurement:

- (a) a gross tonnage of 75 gt shall be considered equivalent to a length (L) of 15 metres or a length overall (LOA) of 16.5 metres;
- (b) a gross tonnage of 300 gt shall be considered equivalent to a length (L) of 24 metres or a length overall (LOA) of 26.5 metres;
- (c) a gross tonnage of 950 gt shall be considered equivalent to a length (L) of 45 metres or a length overall (LOA) of 50 metres.

Planning and control

9. The competent authority shall satisfy itself that, on every occasion when a vessel is newly constructed or the crew accommodation of a vessel has been reconstructed, such vessel complies with the requirements of this Annex. The competent authority shall, to the extent practicable, require compliance with this Annex when the crew accommodation of a vessel is substantially altered and, for a vessel that changes the flag it flies to the flag of the Member, require compliance with those requirements of this Annex that are applicable in accordance with paragraph 2 of this Annex.

10. For the occasions noted in paragraph 9 of this Annex, for vessels of 24 metres in length and over, detailed plans and information concerning accommodation shall be required to be submitted for approval to the competent authority, or an entity authorized by it.

11. For vessels of 24 metres in length and over, on every occasion when the crew accommodation of the fishing vessel has been reconstructed or substantially altered, the competent authority shall inspect the accommodation for compliance with the requirements of the Convention, and when the vessel changes the flag it flies to the flag of the Member, for compliance with those requirements of this Annex that are applicable in accordance with paragraph 2 of this Annex. The competent authority may carry out additional inspections of crew accommodation at its discretion.

12. When a vessel changes flag, any alternative requirements which the competent authority of the Member whose flag the ship was formerly flying may have adopted in accordance with paragraphs 15, 39, 47 or 62 of this Annex cease to apply to the vessel.

Design and construction

Headroom

13. There shall be adequate headroom in all accommodation spaces. For spaces where fishers are expected to stand for prolonged periods, the minimum headroom shall be prescribed by the competent authority.

14. For vessels of 24 metres in length and over, the minimum permitted headroom in all accommodation where full and free movement is necessary shall not be less than 200 centimetres.

15. Notwithstanding the provisions of paragraph 14, the competent authority may, after consultation, decide that the minimum permitted headroom shall not be less than 190 centimetres in any space – or part of any space – in such accommodation, where it is satisfied that this is reasonable and will not result in discomfort to the fishers.

Openings into and between accommodation spaces

16. There shall be no direct openings into sleeping rooms from fish rooms and machinery spaces, except for the purpose of emergency escape. Where reasonable and practicable, direct openings from galleys, storerooms, drying rooms or communal sanitary areas shall be avoided unless expressly provided otherwise.

17. For vessels of 24 metres in length and over, there shall be no direct openings, except for the purpose of emergency escape, into sleeping rooms from

fish rooms and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas; that part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or another approved material and shall be watertight and gas-tight. This provision does not exclude the possibility of sanitary areas being shared between two cabins.

Insulation

18. Accommodation spaces shall be adequately insulated; the materials used to construct internal bulkheads, panelling and sheeting, and floors and joinings shall be suitable for the purpose and shall be conducive to ensuring a healthy environment. Sufficient drainage shall be provided in all accommodation spaces.

Other

19. All practicable measures shall be taken to protect fishing vessels' crew accommodation against flies and other insects, particularly when vessels are operating in mosquito-infested areas.

20. Emergency escapes from all crew accommodation spaces shall be provided as necessary.

Noise and vibration

21. The competent authority shall take measures to limit excessive noise and vibration in accommodation spaces and, as far as practicable, in accordance with relevant international standards.

22. For vessels of 24 metres in length and over, the competent authority shall adopt standards for noise and vibration in accommodation spaces which shall ensure adequate protection to fishers from the effects of such noise and vibration, including the effects of noise- and vibration-induced fatigue.

Ventilation

23. Accommodation spaces shall be ventilated, taking into account climatic conditions. The system of ventilation shall supply air in a satisfactory condition whenever fishers are on board.

24. Ventilation arrangements or other measures shall be such as to protect non-smokers from tobacco smoke.

25. Vessels of 24 metres in length and over shall be equipped with a system of ventilation for accommodation, which shall be controlled so as to maintain the air in a satisfactory condition and to ensure sufficiency of air movement in all weather conditions and climates. Ventilation systems shall be in operation at all times when fishers are on board.

Heating and air conditioning

26. Accommodation spaces shall be adequately heated, taking into account climatic conditions.

27. For vessels of 24 metres in length and over, adequate heat shall be provided, through an appropriate heating system, except in fishing vessels operating exclusively in tropical climates. The system of heating shall provide heat in all conditions, as necessary, and shall be in operation when fishers are living or working on board, and when conditions so require.

28. For vessels of 24 metres in length and over, with the exception of those regularly engaged in areas where temperate climatic conditions do not require it, air conditioning shall be provided in accommodation spaces, the bridge, the radio room and any centralized machinery control room.

Lighting

29. All accommodation spaces shall be provided with adequate light.

30. Wherever practicable, accommodation spaces shall be lit with natural light in addition to artificial light. Where sleeping spaces have natural light, a means of blocking the light shall be provided.

31. Adequate reading light shall be provided for every berth in addition to the normal lighting of the sleeping room.

32. Emergency lighting shall be provided in sleeping rooms.

33. Where a vessel is not fitted with emergency lighting in mess rooms, passageways, and any other spaces that are or may be used for emergency escape, permanent night lighting shall be provided in such spaces.

34. For vessels of 24 metres in length and over, lighting in accommodation spaces shall meet a standard established by the competent authority. In any part of the accommodation space available for free movement, the minimum standard for such lighting shall be such as to permit a person with normal vision to read an ordinary printed newspaper on a clear day.

Sleeping rooms

General

35. Where the design, dimensions or purpose of the vessel allow, the sleeping accommodation shall be located so as to minimize the effects of motion and acceleration but shall in no case be located forward of the collision bulkhead.

Floor area

36. The number of persons per sleeping room and the floor area per person, excluding space occupied by berths and lockers, shall be such as to provide adequate space and comfort for the fishers on board, taking into account the service of the vessel.

37. For vessels of 24 metres in length and over but which are less than 45 metres in length, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 1.5 square metres.

38. For vessels of 45 metres in length and over, the floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 2 square metres.

39. Notwithstanding the provisions of paragraphs 37 and 38, the competent authority may, after consultation, decide that the minimum permitted floor area per person of sleeping rooms, excluding space occupied by berths and lockers, shall not be less than 1.0 and 1.5 square metres respectively, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers.

Persons per sleeping room

40. To the extent not expressly provided otherwise, the number of persons allowed to occupy each sleeping room shall not be more than six.

41. For vessels of 24 metres in length and over, the number of persons allowed to occupy each sleeping room shall not be more than four. The competent authority may permit exceptions to this requirement in particular cases if the size, type or intended service of the vessel makes the requirement unreasonable or impracticable.

42. To the extent not expressly provided otherwise, a separate sleeping room or sleeping rooms shall be provided for officers, wherever practicable.

CONVENTION CONCERNING WORK IN THE FISHING SECTOR

43. For vessels of 24 metres in length and over, sleeping rooms for officers shall be for one person wherever possible and in no case shall the sleeping room contain more than two berths. The competent authority may permit exceptions to the requirements of this paragraph in particular cases if the size, type or intended service of the vessel makes the requirements unreasonable or impracticable.

Other

44. The maximum number of persons to be accommodated in any sleeping room shall be legibly and indelibly marked in a place in the room where it can be conveniently seen.

45. Individual berths of appropriate dimensions shall be provided. Mattresses shall be of a suitable material.

46. For vessels of 24 metres in length and over, the minimum inside dimensions of the berths shall not be less than 198 by 80 centimetres.

47. Notwithstanding the provisions of paragraph 46, the competent authority may, after consultation, decide that the minimum inside dimensions of the berths shall not be less than 190 by 70 centimetres, where it is satisfied that this is reasonable and will not result in discomfort to the fishers.

48. Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness. Equipment provided shall include berths, individual lockers sufficient for clothing and other personal effects, and a suitable writing surface.

49. For vessels of 24 metres in length and over, a desk suitable for writing, with a chair, shall be provided.

50. Sleeping accommodation shall be situated or equipped, as practicable, so as to provide appropriate levels of privacy for men and for women.

Mess rooms

51. Mess rooms shall be as close as possible to the galley, but in no case shall be located forward of the collision bulkhead.

52. Vessels shall be provided with mess-room accommodation suitable for their service. To the extent not expressly provided otherwise, mess-room accommodation shall be separate from sleeping quarters, where practicable.

53. For vessels of 24 metres in length and over, mess-room accommodation shall be separate from sleeping quarters.

54. The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

55. For vessels of 24 metres in length and over, a refrigerator of sufficient capacity and facilities for making hot and cold drinks shall be available and accessible to fishers at all times.

Tubs or showers, toilets and washbasins

56. Sanitary facilities, which include toilets, washbasins, and tubs or showers, shall be provided for all persons on board, as appropriate for the service of the vessel. These facilities shall meet at least minimum standards of health and hygiene and reasonable standards of quality.

57. The sanitary accommodation shall be such as to eliminate contamination of other spaces as far as practicable. The sanitary facilities shall allow for reasonable privacy.

58. Cold fresh water and hot fresh water shall be available to all fishers and other persons on board, in sufficient quantities to allow for proper hygiene. The competent authority may establish, after consultation, the minimum amount of water to be provided.

59. Where sanitary facilities are provided, they shall be fitted with ventilation to the open air, independent of any other part of the accommodation.

60. All surfaces in sanitary accommodation shall be such as to facilitate easy and effective cleaning. Floors shall have a non-slip deck covering.

61. On vessels of 24 metres in length and over, for all fishers who do not occupy rooms to which sanitary facilities are attached, there shall be provided at least one tub or shower or both, one toilet, and one washbasin for every four persons or fewer.

62. Notwithstanding the provisions of paragraph 61, the competent authority may, after consultation, decide that there shall be provided at least one tub or shower or both and one washbasin for every six persons or fewer, and at least one toilet for every eight persons or fewer, where the competent authority is satisfied that this is reasonable and will not result in discomfort to the fishers.

Laundry facilities

63. Amenities for washing and drying clothes shall be provided as necessary, taking into account the service of the vessel, to the extent not expressly provided otherwise.

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64. For vessels of 24 metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided.

65. For vessels of 45 metres in length and over, adequate facilities for washing, drying and ironing clothes shall be provided in a compartment separate from sleeping rooms, mess rooms and toilets, and shall be adequately ventilated, heated and equipped with lines or other means for drying clothes.

Facilities for sick and injured fishers

66. Whenever necessary, a cabin shall be made available for a fisher who suffers illness or injury.

67. For vessels of 45 metres in length and over, there shall be a separate sick bay. The space shall be properly equipped and shall be maintained in a hygienic state.

Other facilities

68. A place for hanging foul-weather gear and other personal protective equipment shall be provided outside of, but convenient to, sleeping rooms.

Bedding, mess utensils and miscellaneous provisions

69. Appropriate eating utensils, and bedding and other linen shall be provided to all fishers on board. However, the cost of the linen can be recovered as an operational cost if the collective agreement or the fisher's work agreement so provides.

Recreational facilities

70. For vessels of 24 metres in length and over, appropriate recreational facilities, amenities and services shall be provided for all fishers on board. Where appropriate, mess rooms may be used for recreational activities.

Communication facilities

71. All fishers on board shall be given reasonable access to communication facilities, to the extent practicable, at a reasonable cost and not exceeding the full cost to the fishing vessel owner.

Galley and food storage facilities

72. Cooking equipment shall be provided on board. To the extent not expressly provided otherwise, this equipment shall be fitted, where practicable, in a separate galley.

73. The galley, or cooking area where a separate galley is not provided, shall be of adequate size for the purpose, well lit and ventilated, and properly equipped and maintained.

74. For vessels of 24 metres in length and over, there shall be a separate galley.

75. The containers of butane or propane gas used for cooking purposes in a galley shall be kept on the open deck and in a shelter which is designed to protect them from external heat sources and external impact.

76. A suitable place for provisions of adequate capacity shall be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores and, to the extent not expressly provided otherwise, refrigerators or other lowtemperature storage shall be used, where possible.

77. For vessels of 24 metres in length and over, a provisions storeroom and refrigerator and other low-temperature storage shall be used.

Food and potable water

78. Food and potable water shall be sufficient, having regard to the number of fishers, and the duration and nature of the voyage. In addition, they shall be suitable in respect of nutritional value, quality, quantity and variety, having regard as well to the fishers' religious requirements and cultural practices in relation to food.

79. The competent authority may establish requirements for the minimum standards and quantity of food and water to be carried on board.

Clean and habitable conditions

80. Accommodation shall be maintained in a clean and habitable condition and shall be kept free of goods and stores which are not the personal property of the occupants or for their safety or rescue.

81. Galley and food storage facilities shall be maintained in a hygienic condition.

82. Waste shall be kept in closed, well-sealed containers and removed from foodhandling areas whenever necessary.

Inspections by the skipper or under the authority of the skipper

83. For vessels of 24 metres in length and over, the competent authority shall require frequent inspections to be carried out, by or under the authority of the skipper, to ensure that:

- (a) accommodation is clean, decently habitable and safe, and is maintained in a good state of repair;
- (b) food and water supplies are sufficient; and
- (c) galley and food storage spaces and equipment are hygienic and in a proper state of repair.

The results of such inspections, and the actions taken to address any deficiencies found, shall be recorded and available for review.

Variations

84. The competent authority, after consultation, may permit derogations from the provisions in this Annex to take into account, without discrimination, the interests of fishers having differing and distinctive religious and social practices, on condition that such derogations do not result in overall conditions less favourable than those which would result from the application of this Annex.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 199

RECOMMENDATION CONCERNING WORK IN THE FISHING SECTOR

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its ninety-
sixth Session on 30 May 2007, and

Noting the Vocational Training (Fishermen) Recommendation,
1966 (No. 126), and

Taking into account the need to supersede the Work in Fishing Rec-
ommendation, 2005 (No. 196), which revised the Hours of
Work (Fishing) Recommendation, 1920 (No. 7), and

Having decided upon the adoption of certain proposals with regard
to work in the fishing sector, which is the fourth item on the
agenda of the session, and

Having determined that these proposals shall take the form of a
Recommendation supplementing the Work in Fishing Con-
vention, 2007 (hereinafter referred to as “the Convention”)
and superseding the Work in Fishing Recommendation, 2005
(No. 196);

adopts this fourteenth day of June of the year two thousand and seven the
following Recommendation, which may be cited as the Work in Fishing
Recommendation, 2007.

PART I. CONDITIONS FOR WORK ON BOARD FISHING VESSELS

Protection of young persons

1. Members should establish the requirements for the pre-
sea training of persons between the ages of 16 and 18 working on board

fishing vessels, taking into account international instruments concerning training for work on board fishing vessels, including occupational safety and health issues such as night work, hazardous tasks, work with dangerous machinery, manual handling and transport of heavy loads, work in high latitudes, work for excessive periods of time and other relevant issues identified after an assessment of the risks concerned.

2. The training of persons between the ages of 16 and 18 might be provided through participation in an apprenticeship or approved training programme, which should operate under established rules and be monitored by the competent authority, and should not interfere with the person's general education.

3. Members should take measures to ensure that the safety, life-saving and survival equipment carried on board fishing vessels carrying persons under the age of 18 is appropriate for the size of such persons.

4. The working hours of fishers under the age of 18 should not exceed eight hours per day and 40 hours per week, and they should not work overtime except where unavoidable for safety reasons.

5. Fishers under the age of 18 should be assured sufficient time for all meals and a break of at least one hour for the main meal of the day.

Medical examination

6. When prescribing the nature of the examination, Members should pay due regard to the age of the person to be examined and the nature of the duties to be performed.

7. The medical certificate should be signed by a medical practitioner approved by the competent authority.

8. Arrangements should be made to enable a person who, after examination, is determined to be unfit for work on board fishing vessels or certain types of fishing vessels, or for certain types of work on board, to apply for a further examination by a medical referee or referees who should be independent of any fishing vessel owner or of any organization of fishing vessel owners or fishers.

9. The competent authority should take into account international guidance on medical examination and certification of persons working at sea, such as the ILO/WHO *Guidelines for conducting pre-sea and periodic medical fitness examinations for seafarers*.

10. For fishers exempted from the application of the provisions concerning medical examination in the Convention, the competent authority should take adequate measures to provide health surveillance for the purpose of occupational safety and health.

Competency and training

11. Members should:
- (a) take into account generally accepted international standards concerning training and competencies of fishers in determining the competencies required for skippers, mates, engineers and other persons working on board fishing vessels;
 - (b) address the following issues, with regard to the vocational training of fishers: national planning and administration, including coordination; financing and training standards; training programmes, including pre-vocational training and also short courses for working fishers; methods of training; and international cooperation; and
 - (c) ensure that there is no discrimination with regard to access to training.

PART II. CONDITIONS OF SERVICE

Record of service

12. At the end of each contract, a record of service in regard to that contract should be made available to the fisher concerned, or entered in the fisher's service book.

Special measures

13. For fishers excluded from the scope of the Convention, the competent authority should take measures to provide them with

adequate protection with respect to their conditions of work and means of dispute settlement.

Payment of fishers

14. Fishers should have the right to advances against earnings under prescribed conditions.

15. For vessels of 24 metres in length and over, all fishers should be entitled to minimum payment in accordance with national laws, regulations or collective agreements.

PART III. ACCOMODATION

16. When establishing requirements or guidance, the competent authority should take into account relevant international guidance on accommodation, food, and health and hygiene relating to persons working or living on board vessels, including the most recent editions of the FAO/ILO/IMO *Code of safety for fishermen and fishing vessels* and the FAO/ILO/IMO *Voluntary guidelines for the design, construction and equipment of small fishing vessels*.

17. The competent authority should work with relevant organizations and agencies to develop and disseminate educational material and on-board information and guidance concerning safe and healthy accommodation and food on board fishing vessels.

18. Inspections of crew accommodation required by the competent authority should be carried out together with initial or periodic surveys or inspections for other purposes.

Design and construction

19. Adequate insulation should be provided for exposed decks over crew accommodation spaces, external bulkheads of sleeping rooms and mess rooms, machinery casings and boundary bulkheads of galleys and other spaces in which heat is produced, and, as necessary, to prevent condensation or overheating in sleeping rooms, mess rooms, recreation rooms and passageways.

20. Protection should be provided from the heat effects of any steam or hot water service pipes. Main steam and exhaust pipes should not pass through crew accommodation or through passageways leading to crew accommodation. Where this cannot be avoided, pipes should be adequately insulated and encased.

21. Materials and furnishings used in accommodation spaces should be impervious to dampness, easy to keep clean and not likely to harbour vermin.

Noise and vibration

22. Noise levels for working and living spaces, which are established by the competent authority, should be in conformity with the guidelines of the International Labour Organization on exposure levels to ambient factors in the workplace and, where applicable, the specific protection recommended by the International Maritime Organization, together with any subsequent amending and supplementary instruments for acceptable noise levels on board ships.

23. The competent authority, in conjunction with the competent international bodies and with representatives of organizations of fishing vessel owners and fishers and taking into account, as appropriate, relevant international standards, should review on an ongoing basis the problem of vibration on board fishing vessels with the objective of improving the protection of fishers, as far as practicable, from the adverse effects of vibration.

(1) Such review should cover the effect of exposure to excessive vibration on the health and comfort of fishers and the measures to be prescribed or recommended to reduce vibration on fishing vessels to protect fishers.

(2) Measures to reduce vibration, or its effects, to be considered should include:

- (a) instruction of fishers in the dangers to their health of prolonged exposure to vibration;
- (b) provision of approved personal protective equipment to fishers where necessary; and

- (c) assessment of risks and reduction of exposure in sleeping rooms, mess rooms, recreational accommodation and catering facilities and other fishers' accommodation by adopting measures in accordance with the guidance provided by the ILO *Code of practice on ambient factors in the workplace* and any subsequent revisions, taking into account the difference between exposure in the workplace and in the living space.

Heating

24. The heating system should be capable of maintaining the temperature in crew accommodation at a satisfactory level, as established by the competent authority, under normal conditions of weather and climate likely to be met with on service, and should be designed so as not to endanger the safety or health of the fishers or the safety of the vessel.

Lighting

25. Methods of lighting should not endanger the safety or health of the fishers or the safety of the vessel.

Sleeping rooms

26. Each berth should be fitted with a comfortable mattress with a cushioned bottom or a combined mattress, including a spring bottom, or a spring mattress. The cushioning material used should be made of approved material. Berths should not be placed side by side in such a way that access to one berth can be obtained only over another. The lower berth in a double tier should not be less than 0.3 metres above the floor, and the upper berth should be fitted with a dust-proof bottom and placed approximately midway between the bottom of the lower berth and the lower side of the deck head beams. Berths should not be arranged in tiers of more than two. In the case of berths placed along the vessel's side, there should be only a single tier when a sidelight is situated above a berth.

27. Sleeping rooms should be fitted with curtains for the side-lights, as well as a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

28. As far as practicable, berthing of crew members should be so arranged that watches are separated and that no day worker shares a room with a watchkeeper.

29. On vessels of 24 metres in length and over, separate sleeping rooms for men and for women should be provided.

Sanitary accommodation

30. Sanitary accommodation spaces should have:

- (a) floors of approved durable material which can be easily cleaned, and which are impervious to dampness and properly drained;
- (b) bulkheads of steel or other approved material which should be watertight up to at least 0.23 metres above the level of the deck;
- (c) sufficient lighting, heating and ventilation; and
- (d) soil pipes and waste pipes of adequate dimensions which are constructed so as to minimize the risk of obstruction and to facilitate cleaning; such pipes should not pass through fresh water or drinking-water tanks, nor should they, if practicable, pass overhead in mess rooms or sleeping accommodation.

31. Toilets should be of an approved type and provided with an ample flush of water, available at all times and independently controllable. Where practicable, they should be situated convenient to, but separate from, sleeping rooms and washrooms. Where there is more than one toilet in a compartment, the toilets should be sufficiently screened to ensure privacy.

32. Separate sanitary facilities should be provided for men and for women.

Recreational facilities

33. Where recreational facilities are required, furnishings should include, as a minimum, a bookcase and facilities for reading, writing and,

where practicable, games. Recreational facilities and services should be reviewed frequently to ensure that they are appropriate in the light of changes in the needs of fishers resulting from technical, operational and other developments. Consideration should also be given to including the following facilities at no cost to the fishers, where practicable:

- (a) a smoking room;
- (b) television viewing and the reception of radio broadcasts;
- (c) projection of films or video films, the stock of which should be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals;
- (d) sports equipment including exercise equipment, table games, and deck games;
- (e) a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at reasonable intervals;
- (f) facilities for recreational handicrafts; and
- (g) electronic equipment such as radio, television, video recorder, CD/DVD player, personal computer and software, and cassette recorder/player.

Food

34. Fishers employed as cooks should be trained and qualified for their position on board.

PART IV. MEDICAL CARE, HEALTH PROTECTION AND SOCIAL SECURITY

Medical care on board

35. The competent authority should establish a list of medical supplies and equipment appropriate to the risks concerned that should be carried on fishing vessels; such list should include women's sanitary protection supplies together with discreet, environmentally friendly disposal units.

36. Fishing vessels carrying 100 or more fishers should have a qualified medical doctor on board.

37. Fishers should receive training in basic first aid in accordance with national laws and regulations, taking into account applicable international instruments.

38. A standard medical report form should be specially designed to facilitate the confidential exchange of medical and related information concerning individual fishers between the fishing vessel and the shore in cases of illness or injury.

39. For vessels of 24 metres in length and over, in addition to the provisions of Article 32 of the Convention, the following elements should be taken into account:

- (a) when prescribing the medical equipment and supplies to be carried on board, the competent authority should take into account international recommendations in this field, such as those contained in the most recent editions of the ILO/IMO/WHO *International medical guide for ships* and the WHO *Model list of essential medicines*, as well as advances in medical knowledge and approved methods of treatment;
- (b) inspections of medical equipment and supplies should take place at intervals of no more than 12 months; the inspector should ensure that expiry dates and conditions of storage of all medicines are checked, the contents of the medicine chest are listed and conform to the medical guide used nationally, and medical supplies are labelled with generic names in addition to any brand names used, and with expiry dates and conditions of storage;
- (c) the medical guide should explain how the contents of the medical equipment and supplies are to be used, and should be designed to enable persons other than a medical doctor to care for the sick or injured on board, both with and without medical advice by radio or satellite communication; the guide should be prepared taking into account international recommendations in this field, including those contained in the most recent editions of the ILO/IMO/WHO *International medical guide for ships* and the IMO *Medical first aid guide for use in accidents involving dangerous goods*; and

- (d) medical advice provided by radio or satellite communication should be available free of charge to all vessels irrespective of the flag they fly.

Occupational safety and health

Research, dissemination of information and consultation

40. In order to contribute to the continuous improvement of safety and health of fishers, Members should have in place policies and programmes for the prevention of accidents on board fishing vessels which should provide for the gathering and dissemination of occupational safety and health materials, research and analysis, taking into consideration technological progress and knowledge in the field of occupational safety and health as well as of relevant international instruments.

41. The competent authority should take measures to ensure regular consultations on safety and health matters with the aim of ensuring that all concerned are kept reasonably informed of national, international and other developments in the field and on their possible application to fishing vessels flying the flag of the Member.

42. When ensuring that fishing vessel owners, skippers, fishers and other relevant persons receive sufficient and suitable guidance, training material, or other appropriate information, the competent authority should take into account relevant international standards, codes, guidance and other information. In so doing, the competent authority should keep abreast of and utilize international research and guidance concerning safety and health in the fishing sector, including relevant research in occupational safety and health in general which may be applicable to work on board fishing vessels.

43. Information concerning particular hazards should be brought to the attention of all fishers and other persons on board through official notices containing instructions or guidance, or other appropriate means.

44. Joint committees on occupational safety and health should be established:

- (a) ashore; or
- (b) on fishing vessels, where determined by the competent authority, after consultation, to be practicable in light of the number of fishers on board the vessel.

Occupational safety and health management systems

45. When establishing methods and programmes concerning safety and health in the fishing sector, the competent authority should take into account any relevant international guidance concerning occupational safety and health management systems, including the *Guidelines on occupational safety and health management systems*, ILO-OSH 2001.

Risk evaluation

46. (1) Risk evaluation in relation to fishing should be conducted, as appropriate, with the participation of fishers or their representatives and should include:

- (a) risk assessment and management;
- (b) training, taking into consideration the relevant provisions of Chapter III of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F Convention) adopted by the IMO; and
- (c) on-board instruction of fishers.

(2) To give effect to subparagraph (1)(a), Members, after consultation, should adopt laws, regulations or other measures requiring:

- (a) the regular and active involvement of all fishers in improving safety and health by continually identifying hazards, assessing risks and taking action to address risks through safety management;
- (b) an occupational safety and health management system that may include an occupational safety and health policy, provisions for fisher participation and provisions concerning organizing,

- planning, implementing and evaluating the system and taking action to improve the system; and
- (c) a system for the purpose of assisting in the implementation of a safety and health policy and programme and providing fishers with a forum to influence safety and health matters; on-board prevention procedures should be designed so as to involve fishers in the identification of hazards and potential hazards and in the implementation of measures to reduce or eliminate such hazards.
- (3) When developing the provisions referred to in subparagraph (1)(a), Members should take into account the relevant international instruments on risk assessment and management.

Technical specifications

47. Members should address the following, to the extent practicable and as appropriate to the conditions in the fishing sector:

- (a) seaworthiness and stability of fishing vessels;
- (b) radio communications;
- (c) temperature, ventilation and lighting of working areas;
- (d) mitigation of the slipperiness of deck surfaces;
- (e) machinery safety, including guarding of machinery;
- (f) vessel familiarization for fishers and fisheries observers new to the vessel;
- (g) personal protective equipment;
- (h) firefighting and lifesaving;
- (i) loading and unloading of the vessel;
- (j) lifting gear;
- (k) anchoring and mooring equipment;
- (l) safety and health in living quarters;
- (m) noise and vibration in work areas;
- (n) ergonomics, including in relation to the layout of workstations and manual lifting and handling;
- (o) equipment and procedures for the catching, handling, storage and processing of fish and other marine resources;

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- (p) vessel design, construction and modification relevant to occupational safety and health;
- (q) navigation and vessel handling;
- (r) hazardous materials used on board the vessel;
- (s) safe means of access to and exit from fishing vessels in port;
- (t) special safety and health requirements for young persons;
- (u) prevention of fatigue; and
- (v) other issues related to safety and health.

48. When developing laws, regulations or other measures concerning technical standards relating to safety and health on board fishing vessels, the competent authority should take into account the most recent edition of the *FAO/ILO/IMO Code of safety for fishermen and fishing vessels, Part A*.

Establishment of a list of occupational diseases

49. Members should establish a list of diseases known to arise out of exposure to dangerous substances or conditions in the fishing sector.

Social security

50. For the purpose of extending social security protection progressively to all fishers, Members should maintain up-to-date information on the following:

- (a) the percentage of fishers covered;
- (b) the range of contingencies covered; and
- (c) the level of benefits.

51. Every person protected under Article 34 of the Convention should have a right of appeal in the case of a refusal of the benefit or of an adverse determination as to the quality or quantity of the benefit.

52. The protections referred to in Articles 38 and 39 of the Convention should be granted throughout the contingency covered.

PART V. OTHER PROVISIONS

53. The competent authority should develop an inspection policy for authorized officers to take the measures referred to in paragraph 2 of Article 43 of the Convention.

54. Members should cooperate with each other to the maximum extent possible in the adoption of internationally agreed guidelines on the policy referred to in paragraph 53 of this Recommendation.

55. A Member, in its capacity as a coastal State, when granting licences for fishing in its exclusive economic zone, may require that fishing vessels comply with the requirements of the Convention. If such licences are issued by coastal States, these States should take into account certificates or other valid documents stating that the vessel concerned has been inspected by the competent authority or on its behalf and has been found to be in compliance with the provisions of the Convention.