



Workshop to Promote Decent Work for Fisheries in Southeast Asia

Background document

I. Background information

A. What ILO is and what ILO does

The ILO was created in 1919 as part of the Treaty of Versailles that ended the First World War. It is the oldest specialized agency of the UN and will celebrate its centenary next year. Its tripartite structure makes the ILO unique among all other world organizations in that employers' and workers' organizations have an equal voice with governments. The ILO has as its mandate the achievement of social justice, in and through the world of work, and is dedicated to fundamental human rights. The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. Decent work sums up the aspirations of people in their working lives. This universal organization brings together government, employer and worker representatives from 187 Member States to set international labour standards, develop policies and devise programmes to promote decent work for all women and men.

B. The fishing sector in Asia

It is estimated that around 198 million people in total are employed and about 880 million people depend on the fisheries and aquaculture sector for their livelihoods. This includes fisheries and aquaculture supply chains as well as processing and distribution. Asia is particularly important in the global fishing industry. In 2016, from the global population engaged in capture fisheries and aquaculture (59.6 million people), 85 percent was in Asia, which corresponds to 50.4 million people. From all engagement in capture fisheries (40.3 million people), 79.3 per cent was concentrated in Asia (almost 32 million people). Similarly, the total number of fishing vessels in the world in 2016, from small undecked and non-motorized boats to large sophisticated industrial vessels, was estimated to be about 4.6 million, similar to that in 2014. The fleet in Asia was the largest, consisting of 3.5 million vessels, and accounting for 75 percent of the global fleet. (FAO 2018 State of F&A)

C. The ILO & the fishing sector

Fishing has among the highest incidence of occupational injuries and is one of the most lethal occupations. Workers in the sector, across the range of commercial fishing operations, may both work and live on board, often for extended periods and in relatively confined spaces, and face remote and isolated work, exposure to dangerous weather conditions and the generally hazardous nature of working in the marine environment and handling fishing gear. Fishers are often remunerated for their work based on a share of the value of the catch rather than a set wage. This system, sometimes but often not combined with a minimum wage, can inspire efficiency and motivate fishers but frequently creates a strong incentive to work excessive hours and to continue to fish even in dangerous weather conditions. Many workers are self-employed, or are considered as such by virtue of the share system; this can contribute to fishers often falling through gaps in the labour or social security legislation.



Starting as early as 1920, the ILO International Labour Conference (ILC) has been discussing and adopting international labour standards covering specific labour aspects of the fishing sector (5 Conventions and 2 Recommendations). In 2007, the ILC has adopted a comprehensive international instrument, the Work in Fishing Convention (No. 188), which not only consolidates and updates the old instruments but also covers all missing aspects of the world of work in the fishing sector. At the same time, the ILC adopted the Work in Fishing Recommendation (No. 199), which complements the binding Convention with non-mandatory guidance. Convention No.188 entered into force exactly 1 year ago, and has so far been ratified by the following 12 member States: Angola, Argentina, Bosnia and Herzegovina, Congo, Estonia, France, Lithuania, Morocco, Namibia, Norway, Senegal and South Africa. Convention No.188 provides the international legal framework for decent work in the fishing sector. Its aim is to ensure that the men and women working on board commercial fishing vessels enjoy decent working and living conditions. Convention No. 188 contains provisions covering all aspects of working life: fair recruitment, maximum hours of work or minimum hours of rest, written work agreements, signed by the fishing vessel owner or the representative, which are comprehensible to the fishers and set out the terms of their work, such as methods of payment and the right to repatriation, regular pay, appropriate accommodation, proper food and water, occupational safety and health, medical care ashore/at sea and social security protection.

D. Migrant Fishers

According to recent ILO estimates, there are 150 million migrant workers worldwide, approximately 11.1 per cent of whom are engaged in agriculture, forestry and fishing. Labour migration provides benefits to migrant workers and their families: remittances can help alleviate poverty, help finance schooling for children and cover health care; home countries can benefit from financial investments and increased social capital upon the return of the migrant; migrant workers can also play an important role in addressing labour supply shortages as well as contribute to public finances and boost the local economy in the country of destination. At the same time, migrant workers tend to suffer from decent work deficits when trying to obtain employment and during their employment abroad. Low-skilled migrants are more exposed to decent work deficits because they lack information about available rights and complaint mechanisms and tend to be recruited under temporary migration schemes, paying fees to recruitment agencies and working in sectors characterized by informality and non-standard forms of employment. Migrant workers can be particularly vulnerable to situations including deception during recruitment; discrimination in employment; restrictions on freedom of association and collective bargaining; forced labour; as well as to occupational safety and health concerns. Fishing is a profession where workers are often unaware of their rights, and deception, debt bondage and exploitation of workers run rife. Migrant fishers also face considerable challenges in accessing social protection, including health care and social security, due to their nationality, migration status, length of employment and residence; when returning home, migrant fishers may face other difficulties, including loss of access to national social security systems due to their work abroad.

International cooperation in the protection of migrant workers is of utmost importance and can take various forms. ILO views the conclusion of bilateral or multilateral agreements as good practice in the governance of labour migration flows, regulation of migration for employment and protection of migrant workers. The 2017 Tripartite Meeting on Issues relating to Migrant Fishers concluded that bilateral labour agreements, MOUs or multilateral agreements are important means of addressing issues concerning migrant fishers provided they are consistent with internationally recognized human



rights – including fundamental principles and rights at work and other relevant international labour standards. Bilateral labour agreements or MOUs relating to migrant fishers negotiated and concluded between countries of origin, transit and destination should be based on tripartite social dialogue. The International Labour Office should, *inter alia*, advise States engaged in bilateral, regional and multilateral agreements concerning migrant fishers, with a view to ensure that such agreements are based on social dialogue and are consistent with relevant ILO standards and fundamental principles and rights at work.

II. Purpose of the Workshop

The second half of the Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries is dedicated to the Workshop to Promote Decent Work for Fisheries in Southeast Asia. Following an overview of Convention No. 188, the workshop will provide a platform to discuss modalities to achieve decent work in the fishing industry. To this end, the workshop will facilitate an exchange of information and experiences from the countries in the region and beyond with respect to work towards ratification and implementation of Convention No. 188. Detailed information will be supplied as to the tools developed by the ILO for effective implementation and enforcement of the Convention. The workshop will also draw upon, as appropriate, the discussion and outcome of the Tripartite Meeting on issues relating to Migrant Fishers and offer a forum for sharing of expertise and experiences with respect to bilateral or multilateral agreements for the purposes of the protection of migrant fishers. The Workshop aims to adopt Conclusions and Recommendations concerning future cooperation at the regional level and proposals for follow up by the ASEAN countries and the ILO with a view to ensuring decent work for fishers.

III. Preparatory work before the workshop

Each ASEAN State (Government, Employer and Worker representatives) is kindly requested to prepare a 10-minute presentation in advance, containing:

- I. information on efforts and work done/ongoing/planned at the national level towards ratification and effective implementation of Convention No. 188, including consultations and legislative/policy/practical measures; and
- II. information on existing or draft bilateral or multilateral agreements or fisheries agreements with a bearing on the working and living conditions of migrant fishers.

With respect to points I. and II. above, it could be helpful to consider, if possible, the following questions with your government, employer or worker counterparts, when preparing your presentation:

Regarding point I.:

- What is the actual status on the ratification of Convention No. 188 in your country? Have any activities/discussions/tripartite consultations in this respect taken place?
If so, what reasons to ratify and what concerns have been voiced on this occasion?
What were the concrete outcomes of those activities/discussions/tripartite consultations?
Are any such activities/discussions/tripartite consultations planned in the future?
- Have any legislative/policy/practical measures been taken or envisaged with a view to implementing Convention No. 188?
Have any concrete obstacles been identified or encountered in the course of the exercise?
In this regard, would any related ILO advocacy/technical assistance/tools be helpful?
- What other action is being undertaken with a view to achieving decent work for fishers in your country or in the region?



Coordinating Ministry for Maritime Affairs



Regarding point II.:

- Does your country have in place any bilateral or multilateral agreement(s) for migrant fishers?
Or any bilateral or multilateral agreement(s) for migrant workers in general, which contain specific provisions on migrant fishers?
Or any bilateral or multilateral agreement(s) for migrant workers in general, which apply to migrant fishers?
Or any fisheries agreement(s) containing provisions relating to working conditions of fishers?
- If yes, please provide background information on the relevant agreement(s) (incl. rationale, main provisions etc.).
Is the impact of the relevant agreement(s) viewed as positive?
- Are there any ongoing negotiations or plans to develop or conclude such agreements?