

Additional information on agenda items 6 and 8

Submitted by ILO Secretariat

SUMMARY

Executive summary: This document provides additional information on:

- Agenda item 5 “Safety and working conditions in the fisheries sector and protection of the marine environment” as regards the subitems “ILO Work in Fishing Convention and related work to promote its ratification, implementation and enforcement” and “Addressing forced labour and child labour”;
- Agenda item 7 “Interagency cooperation to promote and implement internationally agreed measures to combat IUU fishing and related matters” as regards the subitem “National interagency cooperation (maritime, fisheries, labour, etc.)”.

1 ILO Development cooperation activities to effectively implement Convention No. 188 with a view to enhancing working conditions for migrant fishers

1.1 The ILO, in line with the provisions of C.188, has been actively engaging in empowering migrant fishers through its efforts in recruitment and placement, technical assistance, social dialogue, capacity building activities for labour inspectors, and other activities. The **Ship to Shore Southeast Asia Project**¹, an initiative of the EU and the UN, implemented by the ILO in collaboration with the IOM and UNDP, is promoting regular and safe labour migration and decent work for all migrant workers in the fishing and seafood processing sectors in Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand and Viet Nam. It has established Migrant Workers Resource Centres, where more than 110,000 migrant workers have benefited from various types of support, including through pre-departure orientation training and other support services, such as safe migration counselling, legal assistance, education and training, trade unions membership and return services.

1.2 At a regional level, the Ship to Shore Southeast Asia Project held regional training on sustainable reintegration of migrant workers for participants from Cambodia, Indonesia, Myanmar and Thailand, as well as regional training for government regulators and private recruitment

¹ <https://www.shiptoshorerights.org/>.

agencies from Cambodia, Lao PDR, Thailand and Viet Nam on fair and ethical recruitment in ASEAN countries.

1.3 At the national level, in Thailand, the Ship to Shore Southeast Asia project provided technical comments to the Ministry of Labour on the revised key piece of legislation regulating working conditions in the fishing sector. It also supported bilateral dialogue between workers and employers in the Consultations on Recruitment Fees and Related Costs for Migrant Workers in the Seafood Processing Sector. The project has trained 793 labour inspectors to enforce laws in the fishing and seafood processing sectors.

1.4 In Indonesia, one of the largest countries of origin of fishers, the ILO provided technical assistance for the ratification of C.188, especially on developing a coherent regulatory framework for the fishing sector in Indonesia, involving many government authorities. The ILO also provided comments on government regulations regarding the recruitment, placement and protection of Indonesian migrant fishers, and supports its implementation via a series of tripartite technical meetings, focusing on ILO General Principles and Operational Guidelines for Fair Recruitment². The ILO further supported the sharing of experiences, and lessons learnt between Thai and Indonesian tuna industry leaders, from the ongoing Seafood Good Labour Practice programme.

1.5 In Cambodia, the project facilitated discussions between governments of migrant fishers' source countries and destination countries, as well as the signing, in March 2023, of the Bilateral Trade Union Cooperative Agreement between the Cambodian Labour Confederation and the Fisher Rights Network. The project also provided technical support to the Cambodian Ministry of Labour and Vocational Training in its discussion with Thai government in relation to a bilateral agreement on recruitment of Cambodian migrant fishers.

1.6 In Myanmar, the project leveraged social media to disseminate information during the pandemic to migrant workers in the fishing sector. It received 509 requests for assistance and referred them to civil society organisations and trade unions. In the Philippines, the ILO supported the launch of the Manifesto of Commitment towards a Barrier-Free Environment for Filipino Women in the Maritime Sector on 18 May 2023, which also covers fishing.

2 ILO Development cooperation activities to detect and prevent forced labour in fishing

2.1 Following the recommendations adopted at the 4th session of the JWG in October 2019, the ILO redoubled its efforts to tackle the scourge of forced labour in fishing.

2.2 At the national level, with a focus on Ghana, Indonesia and South Africa, the **ILO 8.7 Accelerator Lab initiative**³ has been supporting joint labour inspection pilots to improve the detection of forced labour and protection for fishers. Inspections by maritime safety, labour or fisheries departments, were increased and better targeted, leading to the detention of one vessel with suspected victims of forced labour in South Africa. Other activities included legal and policy enhancements in the sector, workshops to foster sectoral social dialogue and strengthen capacity of fishers'/workers' organizations and fishing vessels owners' /employers' organizations, as well as fishing surveys in order to provide a more accurate estimate of decent work deficits in the sector, among other activities. Following these activities, joint-inspection mechanisms have been

² https://www.ilo.org/global/topics/fair-recruitment/WCMS_536755.

³ <https://www.ilo.org/global/topics/sdg-2030/goal-8/target-8-7/accelerator-lab/lang--en/index.htm>.

consolidated in MoUs or other arrangements between labour and other government agencies in several project countries, including Ghana, Indonesia and South Africa. Trade union networks and employers' labs on SDG 8.7 were established with fishing as their first area of focus. Migrant resource centres were set up to provide training to migrant fishers prior to going abroad. "Know your rights" brochures were developed and distributed to fishers and recruitment agencies were sensitized on the importance of charging recruitment fees to employers rather than employees to prevent the risk of forced labour. To ensure better protection for fishers from foreign-flagged vessels visiting Cape Town port, seed funding is being provided to reopen the fishers' centre and support the welfare levy system.

2.3 In terms of collaboration with academia, the ILO 8.7 Accelerator Lab has supported the MoU signed between the University of Geneva, the Global Business School Network and the ILO to incorporate labour rights into business education. A teaching course on forced labour in fishing was developed to give business school educators a tool to introduce the topic. Indonesia is the first country to roll out this agreement with the University of Diponegoro in August 2023.

2.4 The **Ship to Shore Southeast Asia Project** has supported the provision of referrals to legal assistance and support for Cambodian migrant fishers in Cambodia and Thailand to help file and resolve cases of labour rights abuse, social security, and other compensation benefits claims. It has also conducted joint advocacy on expanding labour rights protection for Cambodian migrant workers in Cambodia, Thailand and regionally. At a regional level, the project organised the Fair Seas Labour Conference⁴ in September 2022 to address the decent work deficits for workers in the fish and seafood supply chain, renewing more effective protection and increased resilience for all workers, particularly part-time, low-wage, migrant workers, women, and workers informal. The project has also produced a Situation and gap analysis on ILO Protocol of 2014 to the Forced Labour Convention, 1930, and the fishing and seafood processing industries in Thailand.

2.5 The ILO project "**Strengthening decent work in the fishing sector of Ecuador and Peru**"⁵ is working to strengthen the capacity of workers' and fishers' organisations on fundamental principles and rights at work, as a way to improve the workers' voice. As part of the improvement of the labour inspection system, tools and a checklist will be developed to identify forced labour on board fishing vessels. FAO is collaborating with the ILO in Peru and Ecuador through supporting the development of a roadmap to identify main barriers and opportunities to access social protection in the fisheries sector of Peru and Ecuador, as well as through the alignment of the agendas to further social protection in the sector in Latin America. As a result, both Organizations are jointly supporting Ecuador to submit a proposal for a working group at the South Pacific Regional Fisheries Management Organisation (SPRFMO) on labour standards.

2.6 The ILO, in collaboration with the Forum Fisheries Agency (FFA), the International Organization for Migration (IOM) and the UN Office on Drugs and Crime (UNODC), is implementing the **Labour standards on fishing vessels in the Pacific project**⁶, covering 15 Pacific Island Countries. In this region, the fishing sector has experienced instances of forced labour, human trafficking, and unfair treatment of workers. Challenges to working conditions arise from the absence of employment contracts or limited worker input into their contents, compounded by difficulties in English literacy. In Fiji, the project is piloting a joint-labour inspection tripartite committee, which is establishing a unified checklist including questions on child labour

⁴ <https://shiptoshorerights.org/fairseas/>.

⁵ https://www.ilo.org/lima/programas-y-proyectos/WCMS_853341?lang=es.

⁶ https://www.ilo.org/suva/projects/WCMS_855740/lang-en/index.htm.

and trafficking. The committee also provides feedback on a standard employment contract in response to the prevalent issue of fishers working without employment contracts in the fishing sector. Additionally, the project has completed the Pacific Islands Mapping and situation analysis of private sector actors, initiatives, and regulatory instruments covering work in fishing in the Pacific, which will contribute to the Modern Slavery Map⁷ supported by the ILO Global Business Network.

2.7 Lastly, **the Blue Fairness Project**⁸ is a joint project of the ILO, the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC), which aims to assess the prevalence of forced labour in the fishing industry by developing and testing a new survey methodology. This methodology will be used by the ILO 8.7 Accelerator Lab for its sector-specific forced labour prevalence surveys. The joint project is part of the broader Blue Justice Initiative, a multi-partner effort supported by Norwegian Ministry of Trade, Industry and Fisheries to build global capacity to combat transnational organized crime in fisheries.

3 ILO Development cooperation activities regarding national interagency cooperation (maritime, fisheries, labour, etc.)

3.1 It may be recalled that Article 7 of ILO Convention No. 188 provides that “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”. ILO’s efforts to promote the necessary coordination among maritime, labour and fisheries agencies in implementing C.188, are outlined below.

3.2 Under the **Sustainable Supply Chains to Build Forward Better (SSCBFB) project**⁹, the ILO has supported Namibia to improve implementation and enforcement of C.188, ratified by Namibia in 2019. A workshop was organised to improve coordination among all relevant national authorities and to strengthen their ability to apply a strategic compliance planning approach to inspection in the fishing sector. As a result, a Strategic Compliance Task Team was created with twelve members from the labour, maritime and fisheries authorities and from workers’ and employers’ organisations. In this framework, a range of tools has been developed and activities implemented, such as a sensitization and training workshop on C.188 for all fisheries stakeholders in Namibia; and the training on occupational safety and health provisions on fishing vessels for 42 labour inspectors, shop stewards, fisheries inspectors and fisheries observers. The first joint pilot inspection in the Namibian fishing sector involved the Ministry of Labour, Industrial Relations and Employment Creation, the Ministry of Works and Transport, and the Ministry of Fisheries and Marine Resources. In a period of two weeks, the joint inspection team conducted 12 inspections, directly impacting 306 interviewed fishers, 294 workers and 12 vessel managers. These coordination efforts have led to the detention of 2 vessels suspected of human trafficking. The launch of the National Coordination Mechanism on Decent Work in the Namibian Fisheries Sector, which will act as the coordinating mechanism as per Article 7 of C.188, is foreseen for the first quarter of 2024.

⁷ <https://www.modernslaverymap.org/>.

⁸ <https://bluejustice.org/blue-justice-initiative/#>.

⁹ https://www.ilo.org/sector/activities/projects/WCMS_764932/lang--en/index.htm.

3.3 Under the **8.7 Accelerator Lab initiative**, the ILO has supported Indonesia, to prevent forced labour and improve the working conditions of fishers on board Indonesian-flagged vessels, including by strengthening coordination between labour and fisheries inspectors, supporting joint labour inspection pilots, and establishing a joint labour inspection mechanism piloted by the Ministry of Manpower and the Ministry of Marine Affairs and Fisheries on Indonesian fishing vessels in various ports since September 2022. These inspection efforts apply the Field Guide for carrying out labour inspection visits on-board fishing vessels, which was developed and regularly updated with support from the ILO, incorporating critical feedback from these pilots and the cognitive testing of the questionnaire for fishers.

3.4 In Ghana, the ILO is supporting, via the 8.7 Accelerator Lab, the formal establishment of the Tripartite Committee on Working Conditions in the Trawler Sub-Sector of the Fishing Industry (including tuna fishing subsector), bringing together relevant government agencies, workers' and employers' organizations to discuss working and living conditions. All parties agreed on the need to improve working and living conditions on board Ghanaian trawlers, and the Ghana Maritime Authority (GMA) proceeded to issue shipping notices requiring compliance with basic provisions contained in C.188, the ratification process of which has been initiated. As of 1 November 2023, all Ghanaian flagged fishing vessels are required to provide a minimum 72-hour notice period before departure to allow for enough time to schedule a pre-departure inspection. The Shipping Notices issued by GMA stipulate the mandatory issuance of individual work contracts to each fisher, mandatory pre-departure inspections, minimum standards for sleeping quarters, food and water supplies, among others. During a capacity-building workshop, the checklist used by GMA for labour inspections was updated in line with C.188 and is currently operational. During the first pilot GMA-labour joint inspection, a number of vessels (in the trawl sub-sector) were detained temporarily until compliance could be ensured, to bring working conditions in line with C.188.

3.5 In South Africa, often used as a role model for enforcement of C.188 via port State control, the ILO, through the 8.7 Accelerator Lab, supported the first national tripartite social dialogue in the fishing sector, hosted in Cape Town in March 2023, to address the effective realization of fundamental principles and rights at work for both national and foreign fishers. Similarly, joint labour inspection pilots were conducted in Cape Town and Durban ports, bringing together the South African Maritime Safety Authority (SAMSA), the Fisheries Department and the Department of Labour. To consolidate the cooperation between SAMSA and the Department of Labour, a MoU is under negotiation and is expected to be signed in December 2023. This will be followed by a series of knowledge transfer sessions to enhance labour inspectors' knowledge of the sector and SAMSA inspectors' knowledge of labour and contract law.

3.6 In Ecuador and Peru, the ILO, through its ILO project "**Strengthening decent work in the fishing sector of Ecuador and Peru**", seeks to promote social dialogue spaces between maritime, fisheries and labour authorities to develop a roadmap to address forced labour. In addition, a tripartite workshop on C.188 was held in Ecuador with the participation of fisheries, labour and maritime authorities. These efforts are expected to lead to the creation of national interagency cooperation groups in both countries to combat forced labour and IUU fishing.

3.7 The ILO-FFA-IOM-UNODC project to improve **Labour standards on fishing vessels in the Pacific**, is piloting a joint-labour inspection tripartite committee in Fiji, which collates all existing inspection checklists from different government agencies responsible for inspecting fishing vessels. This work in progress aims to establish a unified checklist which encompasses labour and occupational safety and health standards for labour inspectors. The committee is also working on a draft protocol on how different government agencies could collaborate.

