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Conditions of work in the fishing sector:
The constituents' views

Fifth item on the agenda

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LIST OF RECURRING ABBREVIATIONS

International organizations

EU	European Union
FAO	Food and Agriculture Organization of the United Nations
ICMA	International Christian Maritime Association
ICSF	International Collective in Support of Fishworkers
ILC	International Labour Conference
IMHA	International Maritime Health Association
IMO	International Maritime Organization

International instruments

Document for Guidance	FAO/ILO/IMO Document for Guidance on the Training and Certification of Fishing Vessel Personnel
Fishing Safety Code	FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, Part A: Safety and Health Practices for Skippers and Crews
SOLAS	International Convention for the Safety of Life at Sea, 1974
SFV 1977	Torremolinos International Convention for the Safety of Fishing Vessels, 1977
SFV PROT 1993	Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995
STCW-F	International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995
UNCLOS	United Nations Convention on the Law of the Sea, 1982

National constituents

Argentina	CAPeCA/CALAPA/ Argentine Chamber of Freezing Fishing Shipowners/Patagonian Prawn Fisheries Association/Argentine Squid-Jigger Owners' Association
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Conditions of work in the fishing sector

	CCUOMM	Centre of Foreign-Going Masters and Merchant Marine Officers
	CGT	General Confederation of Labour
	SOMU	Trade Union of United Maritime Workers
	UMAFLUP	Union of Maritime, River, Port and Fishing Workers
Belgium	CCE	Central Economic Council
Brazil	CGT	General Confederation of Workers
Canada	CAW-Canada	National Automobile, Aerospace, Transportation and General Workers' Union of Canada
	UFAWU-CAW	United Fishermen and Allied Workers' Union-CAW
Colombia	UNIMPESCOL	Colombian Merchant Marine and Fishermen's Union
Costa Rica	INS	National Insurance Institute
Croatia	PPDIV	Trade Union of Workers in Agriculture, Food and Tobacco Industries and Water Resources Management
Denmark	SiD	General Workers' Union in Denmark
Egypt	GTUWA	General Trade Union of Workers in Agriculture and Irrigation
Eritrea	EFE	Employers' Federation of Eritrea
Estonia	ESA	Estonian Shipowners' Association
France	MEDEF	Movement of French Enterprises
Gabon	CSG	Trade Union Congress of Gabon
Ghana	MDU	Maritime and Dockworkers Union
Guinea	SLIMAPG	National Union of Fishermen of Guinea
Honduras	COHEP	Honduran Council for Private Enterprise
Indonesia	KPI	Indonesian Seafarers' Union
Iceland	ASI	Icelandic Confederation of Labour
Ireland	HSA	Health and Safety Authority
Italy	AGCI PESCA	General Association of Italian Cooperatives – Fishing Sector
	Confcooperative	Confederation of Italian Cooperatives

List of recurring abbreviations

Japan	JSU	All Japan Seamen's Union
Republic of Korea	FKSU	Federation of Korean Seafarers' Unions
Latvia	LEC	Latvian Employers' Confederation
Lebanon	CCIAB	Chamber of Commerce, Industry and Agriculture of Beirut and Mount Lebanon
	CCIAS	Chamber of Commerce, Industry and Agriculture in Sidon and South Lebanon
	FTUS	Fishermen's Trade Union in the South
Morocco	CDT	Democratic Labour Confederation of Morocco
Namibia	NEF	Namibia Employers' Federation
	NUNW	National Union of Namibian Workers
Netherlands	PVIS	Dutch Fish Product Board
Norway	DNMF	Norwegian Union of Marine Engineers
	NSF	Norwegian Maritime Officers' Union
	NSU	Norwegian Seamen's Union
Panama	ANDELAIPP	National Fisheries Association
	APOM	Panamanian Association of Ship's Officers
Poland	KSM NSZZ	National Maritime Section, Independent Self-governing Trade Union "Solidarnosc"
	PSU	Polish Seafarers' Union
	ZZMiR	Seamen's and Fishermen's Trade Unions Federation
Romania	CNS Cartel Alfa	National Trade Union Confederation "Cartel Alfa"
Russian Federation	RPRRKh	Russian Fishing Industry Workers' Union
Sierra Leone	SALFU	Sierra Leone Fishermen's Union
Sri Lanka	UFFC	United Fishermen's and Fish Workers' Congress
Sudan	SWTUF	Sudan Workers Trade Unions Federation
Sweden	LO	Swedish Trade Union Confederation
	TCO	Swedish Confederation of Professional Employees
Switzerland	USS	Swiss Federation of Trade Unions

Thailand	ECOT NCTL	Employers' Confederation of Thailand National Congress of Thai Labour
Trinidad and Tobago	ECA NATUC	Employers' Consultative Association National Trade Union Centre
United Kingdom	TUC	Trades Union Congress
United States	USCIB	United States Council for International Business
Zimbabwe	EMCOZ ZCTU	Employers' Confederation of Zimbabwe Zimbabwe Congress of Trade Unions

Technical terms

COC	certificate of competence
CPR	cardio-pulmonary resuscitation
EEZ	exclusive economic zone
FOC	flag of convenience
GT	gross tons
GRT	gross register tons
nm	nautical miles
OAL	overall length
OSH	occupational safety and health
PSC	port state control

INTRODUCTION

At its 283rd Session (March 2002)¹ the Governing Body of the International Labour Office decided to place on the agenda of the 92nd Session (June 2004) of the International Labour Conference an item concerning a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector. This new standard (or standards) would revise the existing seven ILO instruments on the subject – five Conventions (concerning minimum age, medical examination, articles of agreement, accommodation and competency certificates) and two Recommendations (concerning vocational training and hours of work). The rationale for this revision was to reflect the changes in the sector which have occurred over the last 40 years; to achieve more widespread ratification; to reach, where possible, a greater portion of the world's fishers, particularly those working on smaller vessels; and to address other critical issues, such as safety and health. It will also take into account differences in fishing operations, employment arrangements, methods of remuneration and other aspects. This revision will complement the parallel work being done by the ILO to consolidate its standards for seafarers into a comprehensive new standard.²

In accordance with article 39 of the Standing Orders of the Conference, which deals with the preparatory stages of the double-discussion procedure, the Office drew up a preliminary report,³ intended to serve as a basis for the first discussion of the item on the fishing sector standard by the Conference in 2004. The report gives an overview of the fishing sector and analyses the relevant legislation and practice concerning labour conditions in the sector in various ILO member States. The report and the attached questionnaire were communicated to the governments of member States of the ILO, which were invited to send their replies so as to reach the International Labour Office by 1 August 2003 at the latest.

The present report consists of a summarized compilation of the replies to the abovementioned questionnaire received by the Office. At the time of drawing up this report, the Office had received replies from the governments of the following 83 member States:⁴ Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia,

¹ GB.283/2/1, para. 21(b).

² A new consolidated maritime labour Convention is due for discussion and possible adoption by the International Labour Conference in 2005.

³ ILO: *Conditions of work in the fishing sector: A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector*, Report V(1), International Labour Conference, 92nd Session, Geneva, 2004.

⁴ To be able to send this report to member States in February 2004, only those replies received by the Office before 7 November 2003 have been taken into account. Replies that arrived too late to be included in the report may be consulted by delegates at the Conference.

Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

In accordance with article 39, paragraph 1, of the Standing Orders of the Conference, governments were requested to consult the most representative organizations of employers and workers before finalizing their replies to the questionnaire, to give reasons for their replies and to indicate which organizations have been consulted. Governments were also reminded of the importance of ensuring that all relevant departments were involved in the present consultative process, including the departments responsible for labour and social affairs, fisheries, maritime safety, health and the environment. The experience gained by the Office in obtaining the information provided in the law and practice report also points to the value of consultations, where possible, with regional and local authorities within member States.

The governments of the following member States indicated that their replies had been drawn up after consultation with employers' and workers' organizations, and some included in their replies the opinions expressed on certain points by these organizations: Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Benin, Bulgaria, Burundi, Canada, China, Costa Rica, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, Germany, Greece, Guatemala, Honduras, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Ukraine, United Kingdom, United States, Venezuela, Zimbabwe.

The governments of the following member States sent separately the replies from employers', workers' or other organizations; in some cases, replies were received directly by the Office: Argentina, Belgium, Brazil, Canada, Colombia, Croatia, Denmark, Egypt, Eritrea, Estonia, France, Gabon, Guinea, Ghana, Honduras, Indonesia, Italy, Japan, Republic of Korea, Latvia, Lebanon, Morocco, Namibia, Netherlands, Poland, Portugal, Romania, Russian Federation, Sierra Leone, Sri Lanka, Sudan, Switzerland, Thailand, Trinidad and Tobago, United Kingdom, United States, Zimbabwe.

Replies have also been received from the International Christian Maritime Association (ICMA), the International Collective in Support of Fishworkers (ICSF) and the International Maritime Health Association (IMHA).

The present report, which has been drawn up on the basis of the replies received from governments, and employers' and workers' organizations, contains the essential points of their observations, together with brief commentaries.

This report also takes into account the report of the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector, held in Geneva from 2 to 4 September

2003, in keeping with the decisions taken by the Governing Body,⁵ in order to discuss issues to be covered in the fishing standard. The report of the Meeting of Experts is reproduced in Annex I to this report.

The proposed Conclusions with a view to a Convention and a Recommendation appear at the end of this report.

⁵ GB.284/Inf.1; GB.285/20, paras. 10-14; GB.286/21, paras. 16-17; GB.287/12, paras. 3-5.

REPLIES RECEIVED AND COMMENTARIES

This section contains the substance of the general observations made by governments and of the replies to the questionnaire contained in Report V (1), as well as of replies received from employers' and workers' organizations, three international non-governmental organizations, and a few joint replies.

Each question is reproduced and followed by a list indicating those that replied to it, grouped according to the nature of the replies (affirmative, negative or other). Whenever a respondent has made an observation qualifying or explaining the reply, the substance of each comment is given, in alphabetical order of countries; in some cases, similar replies have been grouped together.

A summary of the replies to each question and the related commentary by the Office are provided at the end of each section. The Office commentary refers to both the questions and the relevant point (or points) of the Proposed Conclusions at the end of the report, and thus serves as a link between the information gathered and analysed by the Office through the questionnaire and the Proposed Conclusions concerning a standard for the fishing sector. It also takes into account the views expressed by the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector.

A number of countries stated that the preliminary report constituted a satisfactory basis for discussion and made general comments without answering specific questions. Some governments reported on their national law and practice, while others provided detailed information on the situation in their countries with regard to fishing. While this is most useful for the work of the Office, this information has not been reproduced unless it is necessary for an understanding of the reply.

General observations

Australia. Primary responsibility for the fishing sector lies with the governments of the six states and the Northern Territory. The federal Government has responsibility only for those fishing vessels which voyage overseas. It is difficult to justify why the fishing sector should have separate standards from the seafaring sector; separate standards for fishing vessels are superfluous. Each member State should determine whether maritime standards should also apply to fishing vessels.

New Zealand. ILO standards should be practicable, i.e. able to accommodate a variety of national circumstances, while promoting universally accepted core principles. They should focus on outcomes so that countries can achieve the underlying principles even if the means differ according to national policies and practices. The level of detail regarding the method of implementation should reflect the need to achieve the desired outcomes, but should be limited. They should have broad application – minimum universal standards should be set to provide minimum employment and working conditions across all sectors. The objective of the proposed instrument is to provide a comprehensive standard for securing working conditions in the fishing sector to achieve decent work outcomes. Generally, instruments should not be set for specific sectors of the workforce. However, a high number of workers are engaged in work on

vessels registered in States other than their own. Given the transnational nature of the work and the varying state laws and practices covering the sector, it is appropriate for a fishing instrument to be developed to provide minimum universally recognized standards. New Zealand strongly supports the consolidation of ILO instruments where appropriate, and considers the potential consolidation of fishing sector instruments to be a positive rationalization.

Norway. There is a clear need for a Convention regulating fishermen's working and living conditions. The ILO has classified fishing as hazardous work. As globalization has a profound impact on working and living conditions in this industry, it is evident that global solutions must be sought. As fish stocks are depleted and international competition increases, the protection of the health and welfare of workers in the fishing sector is an international challenge. To ensure that the instrument meets future challenges, parts of it need to be amended through the tacit acceptance of the amendment procedure adopted in the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185). The ILO should further introduce in the instrument a requirement to ensure that all vessels, regardless of their flag, operating within the member State's exclusive economic zone (EEZ) must comply with the Convention before they are granted a licence to fish. This is an effective means to ensure compliance. The introduction of on-board ombudsmen and safety committees and/or regional safety committees is essential, as is a requirement to ensure the reporting and follow-up of accidents and the facilitation of sharing of information. These measures can be implemented with minimal cost to fishermen but can be effective tools in reducing the dangers. The new instrument should also recognize the diverse employment relationships that exist within the fishing industry (share fishermen, self-employed owners/skippers). It is essential that the new instrument should not simply amalgamate the provisions of previous ILO fishing standards without thoroughly reviewing and updating them. The new instrument should take into account provisions of existing standards of other international organizations. For example, it should not conflict with existing provisions of the STCW-F Convention. Finally, compatibility with the provisions of the proposed consolidated maritime labour Convention should be considered.

United Kingdom. Firstly, the new instrument should recognize the diverse employment relationships that exist within the fishing industry. As stated in Report V (1), the majority of workers are share fishermen or self-employed owners/skippers. If the new instrument is to be practical, it will be important that it provide for generally applicable standards that do not depend on traditional employer/employee relationships for their implementation. Secondly, the new instrument should not simply amalgamate the provisions of previous ILO fishing industry Conventions and Recommendations without thoroughly reviewing and updating them. The new instrument should also take into account provisions of existing standards of other international organizations. For example, it should not duplicate, and certainly not conflict with, existing provisions of the STCW-F Convention. Thirdly, the need for compatibility with the provisions of the proposed consolidated maritime labour Convention should be considered. This may be important for those occasions where a fishing vessel may in effect operate as a merchant ship, e.g. when undertaking the role of a standby vessel in the offshore industry or acting as a guard ship during seismic surveys. Finally, for EU Member States there will be a need to ensure compatibility with EU Council Regulations/Directives. This is potentially relevant in relation to issues such as medical care, working time, OSH and social protection for those on fishing vessels.

Austria and Switzerland indicated that, because they are landlocked countries and have only limited numbers of persons engaged in lake and river fishing, the new standard would be of only marginal interest to them. *Finland*, noting decreasing numbers of persons engaged in fishing and a rapid increase in their age, pointed out that improving the profitability of fishing and creating better working conditions would help to ensure the survival of the fishery profession.

A. Form of the instrument or instruments

Do you consider that the International Labour Conference should adopt one or more instruments on work in the fishing sector? **Qu. A1**

Affirmative

Governments: 74. Algeria, Argentina, Austria, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB (Lebanon), CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA (Italy), Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 2. Australia, Myanmar.

Employers' organizations: Association of Employers of Burundi (Burundi), LEC (Latvia).

Other

Governments: 6. Bahrain, Cuba, Egypt, Ireland, Nigeria, United States.

Employers' organization: ECA (Trinidad and Tobago).

Workers' organization: ZZMiR (Poland).

Comments

Australia. Given that ILO seafarer Conventions have the option of being applied to the fishing sector, where appropriate, separate instruments addressing the fishing sector would be superfluous.

Latvia. The National Board of Fisheries disagrees.

United States. USCIB: The new standard should also address other issues such as occupational safety and health.

Qu. A2 *If yes, should the instrument or instruments take the form of (a) a Convention, (b) a Recommendation, (c) a Convention supplemented by a Recommendation?*

(a) A Convention

Governments: 6. Algeria, Ireland, Malawi, Panama, Switzerland, United Arab Emirates.

Employers' organizations: MEDEF (France), CCIAB (Lebanon).

Workers' organizations: UFAWU-CAW (Canada), CDT (Morocco), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), USS (Switzerland), ZCTU (Zimbabwe).

(b) A Recommendation

Governments: 9. Bahrain, Bangladesh, Egypt, Estonia, India, Mexico, Oman, Poland, Thailand.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), CCIAS (Lebanon), NEF (Namibia), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), ANDELAIPP (Panama).

Workers' organizations: Estonian Fishery Workers Trade Union (Estonia).

(c) A Convention supplemented by a Recommendation

Governments: 64. Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Czech Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Italy, Jamaica,

Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), COHEP (Honduras), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CGT (Brazil), CAW-Canada (Canada), PPDIV (Croatia), GTUWA (Egypt), Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), SLIMAPG (Guinea), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), RPRRKh (Russian Federation), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

A consolidated Convention

Governments: 2. Denmark, Norway.

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone).

Comments

Canada, Eritrea, Finland, Japan, Kuwait, Lebanon, Mozambique, Portugal, Spain, Tunisia, Turkey, United States, USCIB (United States) agree that the new Convention should set out principles, while the details should be laid down in a Recommendation. They point out that this is in conformity with the decision of the Governing Body (283rd Session, March 2002) on this agenda item. This would provide for flexibility and facilitate wider ratification.

Egypt and Oman prefer a Recommendation for reasons of flexibility in the light of regional and national variations in conditions of work.

Argentina. The different types of fishing and areas of operation should be taken into account.

CAPeCA/CALAPA/CAPA: A Convention supplemented by a Recommendation would have the widest coverage, taking into account the different regulations existing among countries.

Australia. If there is a majority support for new instruments, the Convention should specify broad principles focused on the appropriate goals and protections, and should be flexible enough to accommodate different national situations and levels of social and economic development, as well as future developments. Other more detailed and sector-specific fishing standards should be incorporated in the non-binding Recommendation and/or code of practice.

Brazil. The Convention should have optional appendices along the lines of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).

Costa Rica. INS: In addition to reflecting the provisions of the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), there should be other instruments such as Recommendations that are more in keeping with the current reality of work at sea.

Denmark. The new instrument should be a Convention including a code divided into a mandatory and a non-mandatory part; failing this, a Convention supplemented by a Recommendation.

Finland. The Convention should apply only to salaried workers.

France. The new standards should include guidelines for port state control.

Ireland. HSA: A Convention supplemented by a Recommendation.

Namibia. NEF: Start with a Recommendation on a pilot study basis and assess the implications thereof after a two-year period.

New Zealand. Generally, ILO Conventions should not be in the form of sector-specific provisions. However, given the unique features of the international shipping and fishing sectors and the dearth of international maritime instruments in force that deal with all safety aspects of international fishing, regulation of the fishing sector should be an exemption from the preferred approach.

Norway. The new instrument should be similar to the proposed consolidated maritime labour Convention being developed for seafarers, which has mandatory and non-mandatory parts. In order to achieve the widest possible ratification, there must be flexibility in the implementation of the regulations, and “substantial equivalence” will be just as important here as in the ongoing ILO work on seafarers’ working and living conditions, while the critical balance with effective regulations must be found. In view of the different national regulations, the Convention should seek to establish a baseline to ensure the best possible working and living conditions at the time of entry into force, while the tacit amendment procedures and Recommendation (guidelines) should contribute to gradually lifting nations to a higher level. Norway indicates that the Norwegian Fishing Vessels Owners’ Association/Norwegian Trawlers’ Association prefer just a Recommendation, in order to ensure that the provisions are as “close” to the user as possible, leaving it to the EU and national legislation to regulate the industry.

Panama. The Convention should contain updated standards on work on board fishing vessels.

APOM: The Convention should protect not only life at sea but also marine resources and environment.

Romania. CNS Cartel Alfa: A Convention would standardize the provisions in this area.

Saint Vincent and the Grenadines. Special consideration should be given to artisanal and small-scale fishing vessels. Less stringent measures should be imposed without compromising safety.

Spain. Even if ILO Conventions have the dual nature of a minimum but at the same time flexible standard, the new standard should be supplemented by a Recommendation, which could offer Members non-binding guidance that would elaborate on, supplement and enhance the Convention.

Switzerland. A binding Convention is more effective than a Recommendation.

Trinidad and Tobago. While some provisions should be binding, it would limit the scope of the instrument if none of the provisions could be solely for guidance.

United Kingdom. It is important to remember that fishing is not a homogeneous activity across the globe. Any set of rules will have to fit circumstances which are different from one region or country to another. If a final Convention, or Convention and Recommendation, are produced they should not be too prescriptive.

Venezuela. A Convention supplemented by a Recommendation should be adopted, taking into account the safety systems in each country and the instruments adopted in this sector in the last 40 years.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone): There is a need for a mandatory instrument in order to improve conditions for fishermen in many parts of the world. The Convention should be a stand-alone instrument and should include a recommendatory code integrally linked to the Convention, i.e. an annex providing additional guidance for the implementation of the mandatory standards.

The vast majority of States (74 of 83) replying to the questionnaire said that the ILO should adopt one or more instruments on work in the fishing sector. Sixty-four indicated their preference for a Convention supplemented by a Recommendation, in conformity with the decision of the Governing Body (283rd Session, March 2002). A Convention setting out the main principles, with a Recommendation containing the details, would allow sufficient flexibility for widespread ratification and application to a large number of fishers (e.g. in developing countries and on small vessels). A few States and several workers' organizations argued in favour of a consolidated framework Convention with mandatory and non-mandatory parts similar to that being considered by the ILO for seafarers.

Recalling the decision by the Governing Body to place on the agenda of the Conference an item concerning a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector, and noting that a majority of States indicated their support for this in their replies, the Office has prepared Proposed Conclusions with a view to a Convention, followed by Proposed Conclusions with a view to a Recommendation.

The Office drafted the Proposed Conclusions taking into account the replies to the questionnaire, the outcome of the Tripartite Meeting on Safety and Health in the Fishing Industry (December 1999), and the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector (September 2003).¹ It has also taken into consideration the proposed extension of the scope of the instruments to cover all fishers, as well as the importance of achieving the widest possible ratification of the new Convention. The Office has placed certain provisions in annexes to make the main body of the Convention more readable.

The Conference may also wish to consider an alternative form for the fishing standard. Such an alternative could be a consolidated framework Convention similar to the standard being developed by the ILO for seafarers. In this regard, the Office notes that

¹ The report of the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector is appended to this report as Annex I.

this idea was suggested by Worker experts² participating in the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector and was supported by several other participants at that Meeting. The Conference may therefore wish to consider whether the Office should be instructed to redraft the standard in such a format, i.e. as a framework Convention containing Articles, Regulations, and a code divided into a mandatory part (Part A) and a recommendatory part (Part B). This could be submitted to the Conference for the second discussion in June 2005.

B. Contents of a proposed Convention

B1. SCOPE

The following areas of operation are used in the questionnaire:

- vessels engaged in fishing operations on the high seas and in waters other than those of the flag State (hereinafter referred to as “A”);
- vessels engaged in fishing operations up to the limits of the exclusive economic zone of the flag State (hereinafter referred to as “B”);
- vessels engaged in fishing operations up to the limits of the territorial waters of the flag State (hereinafter referred to as “C”);
- vessels engaged in fishing operations up to three miles from the baseline (hereinafter referred to as “D”);
- vessels engaged in fishing operations in rivers and inland waters (hereinafter referred to as “E”).

Qu. B1(a) *Should the Convention apply to fishing vessels in all of the abovementioned areas of operation?*

Affirmative

Governments: 41. Argentina, Austria, Bahrain, Belarus, Belgium, Brazil, Burundi, Canada, Croatia, Czech Republic, Ecuador, El Salvador, Eritrea, Estonia, Honduras, Hungary, Iceland, Ireland, Jamaica, Kuwait, Lithuania, Malawi, Mexico, Mozambique, Myanmar, New Zealand, Nicaragua, Norway, Panama, Portugal, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Sweden, Switzerland, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers’ organizations: EFE (Eritrea), CCIAB, CCIAS (Lebanon), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

² See Annex I, Appendix I to the report of the Tripartite Meeting.

Workers' organizations: SOMU (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), SLIMAPG (Guinea), FTUS (Lebanon), NUNW (Namibia), APOM (Panama), ZZMiR (Poland), RPRRKh (Russian Federation), UFFC (Sri Lanka), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), ZCTU (Zimbabwe).

Others: CCE (Belgium), Confcooperative (Italy), ICMA.

Negative

Governments: 35. Algeria, Australia, Bangladesh, Benin, Bulgaria, China, Cuba, Cyprus, Egypt, Finland, France, Germany, Greece, Guatemala, India, Indonesia, Italy, Japan, Republic of Korea, Latvia, Lebanon, Malaysia, Mauritius, Namibia, Netherlands, Oman, Philippines, Qatar, Saudi Arabia, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), NEF (Namibia), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), ECOT (Thailand).

Workers' organizations: CCUOMM, CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NSU/NSF/DNMF (Norway), KSM NSZZ Solidarnosc, PSU (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), SALFU (Sierra Leone), SWTUF (Sudan), TUC (United Kingdom).

Others: AGCI PESCA (Italy), PVIS (Netherlands), ICSF.

Other

Governments: 6. Costa Rica, Denmark, Fiji, Islamic Republic of Iran, Nigeria, Romania.

Employers' organization: LEC (Latvia).

Workers' organization: CDT (Morocco).

Comments

Costa Rica. INS agrees.

Oman. The Ministry of Agriculture and Fisheries agrees.

Panama. The Convention should apply to vessels engaged in commercial exploitation of living marine resources, including support vessels and any other vessels directly employed in

fishing operations, which are registered in a member State. National legislation should determine when a vessel is considered to be involved in maritime navigation.

Sweden. The Convention should apply to all fishing vessels, but there should be the possibility to exclude certain vessels (see B1(b)).

United States. In addition, the requirements of the Convention should differ depending upon areas of operation.

Qu. B1(b) *Should the Convention provide the possibility to exclude certain fishing vessels in the following areas of operation:*

Vessels engaged in area “C”?

Governments: 23. Belarus, Benin, China, Cuba, Cyprus, Estonia, Finland, Germany, Greece, India, Republic of Korea, Malaysia, Mauritius, Mexico, New Zealand, Philippines, Russian Federation, Serbia and Montenegro, Syrian Arab Republic, Trinidad and Tobago, Tunisia, United Arab Emirates, Zimbabwe.

Employers’ organizations: ESA/Estonian Fishermen’s Association (Estonia), COHEP (Honduras), USCIB (United States).

Workers’ organizations: CAW-Canada (Canada), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), FKSU (Republic of Korea), NUNW (Namibia), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SWTUF (Sudan).

Vessels engaged in area “D”?

Governments: 29. Algeria, Australia, Bahrain, Bangladesh, Belarus, China, Cuba, Cyprus, Eritrea, Finland, Germany, Greece, Guatemala, Indonesia, Italy, Latvia, Lithuania, Mauritius, Netherlands, New Zealand, Philippines, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Sweden, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates.

Employers’ organizations: MEDEF (France), COHEP (Honduras), NEF (Namibia), ECOT (Thailand), USCIB (United States).

Workers’ organizations: CAW-Canada (Canada), CNS Cartel Alfa (Romania), UFFC (Sri Lanka), SWTUF (Sudan).

Others: HSA (Ireland), AGCI PESCA (Italy), ICSF.

Vessels engaged in area “E”?

Governments: 46. Algeria, Australia, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Italy, Japan, Latvia, Lithuania,

Mauritius, Namibia, Netherlands, New Zealand, Nigeria, Oman, Philippines, Qatar, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States.

Employers' organizations: MEDEF (France), COHEP (Honduras), Norwegian Fishing Vessels Owners' Association/Norwegian Trawler's Association (Norway), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CAW-Canada (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), NSU/NSF/DNMF (Norway), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), PVIS (Netherlands).

Comments

Austria. The Convention should apply to fishing vessels in all areas of operation but provide the possibility to exclude certain vessels. The huge differences between deep-sea and inland-water fishing in some areas should be taken into consideration. The Convention should stipulate rules that are appropriate to the conditions prevailing in deep-sea and inland-water fishing, respectively.

Ecuador. Exclusion of artisanal or subsistence fishing in rivers and inland waters is done on a non-commercial or subsistence basis.

Ireland. The Marine Survey Office questions how this would be enforced. HSA: Areas "D" and "E".

United Kingdom. TUC: The exclusion of operating area "E" should not be available to ratifying member States if the conditions of work in their major inland waters are similar to those at sea.

United States. USCIB: The Convention should not include fishing vessels covered in most countries by domestic legislation or by other ILO Conventions protecting all workers. To do otherwise will lead to the situation of the Minimum Age (Sea) Convention, 1920 (No. 7), denounced by the vast majority of nations because they ratified the Minimum Age Convention, 1973 (No. 138). In the United States fishing operations taking place within state territorial waters are under federal and state jurisdiction with respect to hours worked, OSH, and minimum wage. However, fishing operations outside of state waters are governed by federal maritime law, which is silent on matters such as hours of work and minimum wage but covers worker safety, minimum age and other subjects raised by the fishing Conventions.

ICSF. Agrees with the exclusion of vessels of category "D", and of categories "C" and "E", provided that fishing operations only last one day.

Qu. B1(c) *Should the Convention provide for any other exclusion?**Affirmative*

Governments: 26. Argentina, Austria, China, Cuba, Denmark, Egypt, Finland, Germany, Greece, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Malaysia, Nigeria, Philippines, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Sweden, Syrian Arab Republic, Turkey, United Arab Emirates, United Kingdom.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), NEF (Namibia), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Negative

Governments: 43. Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Cyprus, Czech Republic, Ecuador, Eritrea, Estonia, France, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Malawi, Mauritius, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Norway, Oman, Portugal, Russian Federation, Serbia and Montenegro, Spain, Switzerland, Trinidad and Tobago, Tunisia, Ukraine, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), MEDEF (France), CCIAB, CCIAS (Lebanon), Norwegian Fishing Vessels Owners' Association/Norwegian Trawlers' Association (Norway), ECOT (Thailand), ECA (Trinidad and Tobago).

Workers' organizations: CGT (Brazil), UFAWU-CAW (Canada), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), NSU/NSF/DNMF (Norway), APOM (Panama), ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), UFFC (Sri Lanka), USS (Switzerland), NCTL (Thailand), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA.

Other

Governments: 13. Algeria, Australia, Bahrain, Costa Rica, Croatia, El Salvador, Fiji, Islamic Republic of Iran, Lebanon, Netherlands, Panama, Romania, Thailand.

Employers' organization: LEC (Latvia).

Workers' organizations: CAW-Canada (Canada), PPDIV (Croatia), CDT (Morocco), SWTUF (Sudan).

Comments

Argentina, SOMU (Argentina), Austria, Brazil, Germany, Jamaica, Japan, Latvia, Lebanon, Nigeria, Panama, Philippines, Qatar, Saint Vincent and the Grenadines recommend that exclusions should apply particularly to small boats (e.g. less than 5 tons), recreational and/or educational fishing vessels, vessels fishing for sport, in rivers and lakes and close to the shore, without paid workers, or operated exclusively by members of the same family. Other exclusions should be provided for fishing vessels engaged in EEZ (*Egypt, Malaysia*) and those under 20 GRT (*Egypt, Sweden*).

Costa Rica. INS disagrees.

Denmark. The scope of application should be as wide as possible. However, the Convention should provide the possibility of exemptions relating to a certain item. For example, the items concerning minimum basic safety training, minimum age and articles of agreement should cover all fishermen regardless of the vessel's area of operation, but the training requirement, for example, could depend on the size of the vessel.

El Salvador. Include production sectors that do not use vessels to exploit resources (oysters, molluscs, crabs, etc.).

Finland. The scope of application depends on the content of the Convention – if it is sufficiently general in nature the scope could be wide. The Recommendation should exclude the owners of a business enterprise (vessel owners).

France. The exclusion referred to in B1(b) should be understood as targeting inland waters within the meaning of international maritime law (e.g. the UNCLOS Convention).

Greece. Fishing vessels using special traditional fishing methods common to one or more States.

Guinea. SLIMAPG: Vessels operating in area “E” are not subject to certain dangers such as collisions with other vessels or severe weather conditions.

Honduras. COHEP: Artisanal and small-scale fishing.

Republic of Korea. Fishing vessels of less than 24 m in length.

Lebanon. OSH provisions should be applied to fishing vessels of all kinds.

Namibia. NEF: Smaller vessels would, in some instances, not provide for specific facilities.

Norway. Fishing vessels under 10.67 m in length are not obliged to hold a certificate in Norway.

Serbia and Montenegro. Some working conditions are the same on board almost all fishing vessels (e.g. exposure to humidity, occupational diseases, etc.).

Spain. Nevertheless, in order to achieve widespread ratification, the instrument should include the standard flexibility clause according to which each State may, after consulting the representative employers' and workers' organizations of the sector, exclude additional vessels, provided that it justifies such exclusion.

Thailand. ECOT: The Convention should focus on organized and commercial vessels rather than small-scale fishing vessels.

Trinidad and Tobago. NATUC: As conditions vary from one country to another, what may represent a valid exclusion in one State might not be valid in another country.

Turkey. The operating area of fishing vessels is not always the appropriate method of delimiting the scope of the Convention, because it is sometimes not possible to determine the operating areas of fishing vessels at sea.

United Arab Emirates. Fishing vessels operating within 1 mile of the baseline.

United Kingdom. Other exclusions should be provided, depending on the content and structure of the Convention.

United States. USCIB: The Convention should be open to the possibility of excluding fishing operations, where the circumstances are substantially different from the conditions necessitating the establishment of an international minimum standard.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), TUC (United Kingdom): The Convention should provide for the exclusion of very small and single-manned vessels.

Qu. B1(d) *If "areas of operation" would not be an appropriate method of delimiting the scope of the Convention, what other method should be used for this purpose:*

Fishing vessel length

Governments: 36. Argentina, Algeria, Bangladesh, Benin, Burundi, China, Croatia, Cyprus, Denmark, Ecuador, Finland, France, Iceland, India, Indonesia, Italy, Jamaica, Republic of Korea, Latvia, Lebanon, Malawi, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), COHEP (Honduras), CCIAS (Lebanon), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CAW-Canada (Canada), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), FKSU (Republic of Korea), FTUS (Lebanon), NUNW (Namibia), NSU/NSF/DNMF (Norway), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), SALFU (Sierra Leone), SWTUF (Sudan), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA.

Tonnage

Governments: 30. Algeria, Benin, Bulgaria, Burundi, China, Croatia, Ecuador, Egypt, Fiji, Guatemala, Iceland, Indonesia, Japan, Lebanon, Lithuania, Malawi,

Malaysia, Myanmar, Nicaragua, Nigeria, Norway, Panama, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Zimbabwe.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CAW-Canada (Canada), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), NSU/NSF/DNMF (Norway), APOM (Panama), KSM NSZZ Solidarnosc, PSU (Poland), CNS Cartel Alfa (Romania), SALFU (Sierra Leone), SWTUF (Sudan), NCTL (Thailand), TUC (United Kingdom).

Others: AGCI PESCA (Italy), ICMA.

Time fishing vessel spends at sea

Governments: 34. Algeria, Bahrain, Benin, Bulgaria, Burundi, Cuba, Denmark, El Salvador, Estonia, France, Germany, Guatemala, Honduras, Hungary, Iceland, Indonesia, Ireland, Kuwait, Mauritius, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Qatar, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Tunisia, Ukraine, United Kingdom, Venezuela.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), CCIAB (Lebanon), COHEP (Honduras), ECA (Trinidad and Tobago).

Workers' organizations: CGT, SOMU (Argentina), CGT (Brazil), CAW-Canada (Canada), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), SLIMAPG (Guinea), JSU (Japan), UFFC (Sri Lanka), SWTUF (Sudan), NATUC (Trinidad and Tobago).

Other methods

Bangladesh, Lebanon, CCIAS (Lebanon). Number of fishermen on board.

Brazil, Canada. Differentiation between artisanal fishing vessels using family members of the vessel owner and other commercial fishing vessels.

Indonesia, AGCI PESCA (Italy), Lebanon, Nigeria. Engine power (e.g. 250/500/750/more than 750 Hp).

Bahrain. Method of commercial fishing.

El Salvador. Artisanal fishing not using vessels for export.

Eritrea. EFE: Availability and capability of machinery and facilities.

Greece. Fishing methods.

Jamaica. Type of operation and category of fishing, e.g. artisanal, industrial or recreational.

Lebanon. Equipment for refrigeration and preservation.

Mexico. Depending on the fishing activity, the criteria should be established according to the radius of activity, construction, speed, operating area and fishing vessel length.

Saint Vincent and the Grenadines. Type of fishing vessel.

Ukraine. Displacement of the vessel.

United Arab Emirates. Exempt fishing vessels under 24 m in length.

Zimbabwe. ZCTU: Depth of waters.

Views shared by several workers' organizations, as well as Bahrain and ICSF: CCUOMM, CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), TUC (United Kingdom): Type of fishing gear.

ICSF. Type of fishing operations.

Comments

Costa Rica. INS: Fishing vessel length, tonnage and time spent.

Estonia. If a vessel spends many days at sea and for the purpose of implementation of shift work, it would be necessary to take into account the time spent on board vessels.

France. Combination of area criteria with the abovementioned criteria.

Honduras. The classification of areas of operation mentioned above is sufficient, but the time a fishing vessel spends at sea can be used as well.

Indonesia. The engine power influences the area of operation and is related to the certificate of seaworthiness of fishing vessels.

Ireland. HSA agrees with all and states that the Convention should appropriately target matters of concern and not impose a disproportionate burden on small fishing operations.

Italy. The scope should distinguish between vessels under and over 24 m in length.

Japan. In addition to the areas of operation, the tonnage should delimit the scope.

JSU: The vessel length in the Convention should be in line with the SFV 1977 Convention. The Convention should clearly provide for working conditions of fishing vessels operating for a period of over six months.

Republic of Korea. Several international instruments (SFV 1977, SFV PROT 1993, STCW-F, Fishing Safety Code, Document for Guidance) use the fishing vessel length for delimiting the scope of application.

Malawi. Length and tonnage determine the amount of fish to be caught per trip. Delimiting the scope in terms of these areas would ensure the replenishing of fish resources.

Namibia. The time a fishing vessel spends at sea is important with regard to fatigue, comfort and hygiene.

Norway. It is impossible to have an effective uniform set of regulations for subsistence fishing and modern factory trawlers. It appears reasonable to exclude the former from the scope or to divide the Convention into a general part (applicable to all) and more specific parts depending on the vessel and/or time at sea, as the importance of working and living conditions increases proportionally with the time spent at sea. Moreover, if tonnage or length are strictly maintained as limits for the regulations, there will be an incentive to build, own and operate vessels just below that limit to avoid obligations. However, the existing tonnage limits set in the

Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), should be kept with regard to accommodation.

Oman. The Ministry of Agriculture and Fisheries selects fishing vessel length, tonnage and time at sea as alternative criteria.

Panama. Tonnage, as it is used to determine the application of Convention No. 126.

Qatar. Internationally agreed standards should be applied, to achieve standardization of measurements and facilitate exchange of information between States.

Spain. The time factor, which is unfailingly linked to working time, rest periods, leisure time and social and family relations, is one of the major determinants of security on board and the well-being of fishermen.

Sri Lanka. UFFC: Sri Lankan fishing vessels are regularly used beyond their design capacity as expressed in length or tonnage.

Sudan. SWTUF: All possible information should be available about the vessel. The Convention should include all methods in order to determine whether it is applicable to a ship.

United Kingdom. For certain parts of the new Convention any of the above application parameters could be appropriate.

TUC: The abovementioned criteria should be viewed as additional and not as a substitute for areas of operation.

United States. Fishing vessel length has not been shown to be an effective indicator of risk. Tonnage is too subjective a measurement. Time cannot be enforced or monitored without the addition of expensive equipment.

Zimbabwe. ZCTU: Area of operation is not the appropriate criterion for setting the relevant requirements on board different vessels.

ICMA. For the purpose of enforceability, requirements should be based upon vessel size rather than area of operation. Vessels subject to the requirements of the Convention should be subjected to enforcement wherever they are found.

ICSF. Instead of the above criteria in isolation, it might be possible to adopt a matrix approach with proposed criteria on the column and proposed standards in the row.

Should the Convention apply to all persons working on board fishing vessels irrespective of nationality? **Qu. B1(e)**

Affirmative

Governments: 75. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago,

Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 3. Australia, Greece, Myanmar.

Employers' organization: LEC (Latvia).

Workers' organization: FTUS (Lebanon).

Other

Governments: 4. Egypt, Islamic Republic of Iran, Lebanon, Romania.

Comments

Argentina. National legislation provides that foreigners shall be employed only if there are no national personnel available.

CAPeCA/CALAPA/CAPA: The standards should be the same for the entire crew in view of the legal principle of all being equal before the law, and for the purpose of avoiding unfair competition between flag States.

Australia. The proposed instrument should apply only to employees on board fishing vessels.

Austria. However, the Convention should either refer expressly to "workers" or, if the term "person", which includes self-employed persons, is used, provide the possibility to exclude self-employed fishers in order to avoid an obstacle to ratification of the kind encountered with the Safety and Health in Agriculture Convention, 2001 (No. 184).

Brazil. The new Convention could provide for procedures similar to those laid down in Convention No. 147 so that the ratifying State could require at least equivalent protection for persons of any nationality and on board any fishing vessel, even foreign vessels.

Costa Rica. INS: Labour standards, be they national or extraterritorial, should be applied irrespective of nationality.

Fiji. Migrant workers should also be covered to avoid their exploitation.

Greece. It should be noted that the obligation to take measures rests as much with the flag State as with the State of the seafarer's nationality.

Lebanon. The answer depends on the fishing vessels and workers covered by the scope of the Convention. While the provisions regarding OSH and rest periods apply to all persons working on board ship regardless of nationality, the scope of provisions concerning paid leave and social security benefits depends on national legislation.

FTUS: The Convention should only apply to Lebanese fishers.

Mozambique. In respect of foreigners, the provisions to be adopted should be different to take due account of the fact that they are foreign.

Norway. However, exceptions will have to be made because if social security coverage is required by the Convention, only nationals and other permanent residents should be eligible.

Romania. CNS Cartel Alfa: The Convention regulates a specific sector and should apply to all persons carrying out those specific activities, irrespective of nationality.

Spain. In view of the increasing number of foreign workers on fishing vessels and the proliferation of joint ventures, it is indispensable that the working conditions of the crew be regulated without discrimination based on nationality.

Sudan. SWTUF: The world is a global village, and the exchange of skills and the free movement of persons to earn livelihoods is a right for all.

United Kingdom. The United Kingdom social security system makes no distinction on the ground of nationality of contributors: the rules and regulations governing the payment of social security contributions by mariners (including deep-sea fishermen who are employed earners) and by share fishermen (who are self-employed earners) apply equally to all such workers, provided they are either domiciled or resident in the United Kingdom.

TUC: The fishing sector is not immune from the plague of sub-standard ships flying FOC and, in some cases, engaged in illegal fishing. The Convention should seek to ensure that workers of all nationalities and on ships flying all flags are covered.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): To do otherwise would be discriminatory.

States were fairly evenly divided (41 for; 35 against) as to whether or not the Convention should apply to vessels in all of the five areas of operation set out by the Office. Many affirmative replies (22 of 41) considered that, while applying to all operating areas, the Convention should provide for the possibility of excluding some of them. A significant minority of States and a few employers' or workers' organizations indicated that the Convention should provide for exclusion of vessels engaged in fishing operations up to the limits of the territorial waters of the flag States (23) or engaged in fishing within three miles of the baseline (29). However, more than half (46)

indicated that the Convention should provide for the exclusion of vessels engaged in fishing operations in rivers and inland waters. A significant minority of States (26) replied that the Convention should contain other exclusions, for example for very small vessels operating close to shore, or without paid workers, single-manned, family fishing enterprises, subsistence and artisanal fishing, or recreational fishing. A substantial number of States noted that fishing vessel length (36), time spent at sea (34) or tonnage (30) might be a more useful means of delimiting the scope of the Convention than “areas of operation”, or could be combined with the area criterion. States overwhelmingly indicated that the Convention should apply to all persons working on fishing vessels irrespective of nationality, many noting that to do otherwise would be discriminatory.

In addition to the issues addressed in the questionnaire, the following commentary covers matters that were not reflected in the questionnaire but have been included in the Proposed Conclusions.

Preamble

The proposed Preamble aims to set out the objectives of the instruments. The Office believes that this would clarify the specific aims of the standard within the ILO’s overall efforts to ensure decent work for fishers.

Definitions

The questionnaire did not specifically address the issue of definitions. The definitions provided (in *Point 5*) have been taken, where possible, from existing ILO Conventions, particularly those concerning the fishing sector. Some modifications have been made to ensure that the Convention would apply to share fishers, who, in some member States, may be considered as “self-employed” and therefore might have been considered excluded.

The term “commercial maritime fishing” used in several existing ILO standards has been changed to “commercial fishing”. This would cover all but subsistence fishing and recreational fishing, and it would include fishing operations on inland lakes and rivers.

The Office has defined “consultation” in *Point 5(b)* so as to avoid the unnecessary repetition of the text in this paragraph throughout the proposed Convention and Recommendation. The definition is consistent with the obligations of States under other ILO Conventions (e.g. the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)), but also specifically aims to promote consultations with representative organizations of fishing vessel owners and fishers, where they exist.

Scope

Point 6 provides that the proposed Convention applies to all vessels engaged in commercial fishing. However, *Point 8(1)(a)* provides that competent authorities, after consultation, might exclude vessels engaged in fishing operations in rivers and inland waters.

Point 8(1)(b) allows Members the possibility of excluding “limited categories of fishers or fishing vessels in respect of which special and substantial problems relating

to application arise in the light of particular conditions of service of the fishers or the fishing vessel's operations". However, States would also be called upon to take measures to progressively extend the protections under the proposed Convention to those categories of fishers and fishing vessels (*Points 8(2) to 10*). The intention is that this obligation would encourage Members to work with the ILO towards achieving the overall objectives as set out in the Preamble.

Implementation

Point 11 provides Members with considerable flexibility as concerns implementation and enforcement of the proposed Convention. The provision is based on a similar provision in the draft consolidated maritime labour Convention which, in turn, draws upon similar provisions in other ILO instruments.

Coordination

Point 12 provides not only for the designation of the competent authorities but also for coordination among relevant authorities. The concept of coordination at all levels has been included, bearing in mind that in many members States certain provisions of the Convention would be implemented not only by national authorities but also by local authorities.

B2. MINIMUM AGE

Should the Convention include provisions concerning the minimum age for work on board fishing vessels? **Qu. B2(a)**

Affirmative

Governments: 78. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 2. Australia, Lebanon.

Other

Governments: 2. China, Islamic Republic of Iran.

Workers' organizations: ZZMiR (Poland), USS (Switzerland).

Comments

Australia. The regulation of minimum age for employment should not be undertaken on an individual industry basis. Convention No. 138, which applies to all sectors, already addresses minimum age for employment on fishing vessels. The ILO is already considering "shelving" old sector-specific minimum age standards. If there is majority support for minimum age provisions they should be consistent with, and refer to, Convention No. 138.

Switzerland. Some Offices of the Federal Administration believe that the instrument should not provide for a "minimum age for admission to employment" in this particular sector; this would run counter to the progress demonstrated by Convention No. 138 in moving away from sectoral Conventions in this matter, each with its own minimum age.

United States. USCIB: But only to the extent that such vessels are not covered by domestic legislation or other ratified international labour standards. Otherwise the new Convention will not be ratified or will be subject to future denunciations.

Qu. B2(b) *If yes, should the minimum age be:*

15 years

Governments: 9. Austria, Costa Rica, Czech Republic, Iceland, Japan, Mexico, Serbia and Montenegro, New Zealand, Saint Vincent and the Grenadines.

Workers' organizations: JSU (Japan), NUNW (Namibia), UFFC (Sri Lanka), NATUC (Trinidad and Tobago).

Other: Confcooperative (Italy).

16 years

Governments: 31. Algeria, Brazil, Bulgaria, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Republic of Korea, Latvia, Namibia, Netherlands, Nicaragua, Norway, Portugal, Russian Federation, Sweden, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, United States, Zimbabwe.

Employers' organization: MEDEF (France).

Workers' organizations: CAW-Canada (Canada), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), FKSU (Republic of Korea), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), ZCTU (Zimbabwe).

Others: PVIS (Netherlands), ICSF.

18 years

Governments: 43. Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Burundi, China, Croatia, Cuba, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Guatemala, Honduras, India, Indonesia, Jamaica, Kuwait, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mozambique, Myanmar, Nigeria, Oman, Philippines, Qatar, Romania, Russian Federation, Saudi Arabia, Spain, Switzerland, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, Venezuela.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), CSG (Gabon), MDU (Ghana), KPI (Indonesia), CDT (Morocco), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), ICMA.

Comments

Several replies refer to Convention No. 138 and the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190).

Burundi, Egypt, El Salvador, Eritrea, CSG (Gabon), SLIMAPG (Guinea), Honduras, National Board of Fisheries (Latvia), Lebanon, CCIAB (Lebanon), Malawi, Mozambique, NEF (Namibia), Norway, Oman, Qatar, Serbia and Montenegro, Trinidad and Tobago, United Arab Emirates draw attention to the hazardous nature of the fishing industry, which requires a level of maturity unlikely to be attained before the age of 18.

Argentina. Work on fishing vessels should be prohibited for persons under the age of 18, given their lack of training, at this stage of their physical and mental and development, which could be perturbed owing to the characteristics of this activity. National legislation and collective labour agreements however provide for 16 as the age at which they can be admitted as apprentices on board a vessel under a contract specifying the tasks to be carried out.

SOMU: The contract should clearly define the work they are to do in order to prevent abuses.

Australia. If there is to be a specific minimum age for employment on fishing vessels which is higher than that established by Convention No. 138, it should be determined by the competent authority in accordance with the risk assessment for fishing vessels as a workplace.

Austria. The minimum age should be 15 years, if it can be ensured that work on certain vessels and certain types of (heavy) work and working conditions are prohibited for persons aged under 18. Otherwise, the minimum age should be 18 years.

Brazil. The minimum age for any work in Brazil is 16 years. Admission to the fishing occupation shall only be permitted for persons under 18 years who are legally emancipated. Persons aged over 14 and under 18 may be admitted to the fishing occupation as apprentices.

Costa Rica. INS: The age should be 18 years.

Ecuador. Given the hazardous nature of the work, a minimum age of 21 years would be preferable for permanent employment.

Estonia. Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation: Exceptionally and under supervised working conditions, persons at least 15 years of age could be allowed to work on board coastal fishing vessels to gain an insight into the fishing profession.

Finland. Account should be taken of Council Directive 94/33/EC.³

Greece. The Convention should deal only with foreign-going fishing vessels.

Ireland. Persons aged under 16 are legally “children”.

Japan. The minimum age should be in conformity with the proposed consolidated maritime labour Convention.

JSU: The minimum age of 15 years is appropriate, in order to avoid a gap after the age of graduation from junior high school, which is the last compulsory educational establishment in Japan.

Lebanon. FTUS: There is no minimum or maximum age in this regard, and persons able to work should be allowed to do so. Many children have learned this trade from their parents.

Namibia. Thus, young persons who leave school early would have the chance to obtain a job.

New Zealand. There is generally no minimum age in New Zealand. Restrictions on the employment of young people are generally in terms of the need to ensure that the work does not

³ See Annex II to this report.

interfere with their education. National legislation provides for compliance with the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), by prohibiting employment of any person of an age that requires that person to be enrolled at a school, or any person under the age of 18, as a trimmer or stoker.

Nicaragua. It is important that there be transitional provisions for countries whose economies and means of education are not sufficiently developed.

Panama. The minimum age is currently 17 years, depending on the category or position held on the fishing vessel, in accordance with Convention No. 138.

APOM: It should further be compulsory to receive instruction and training from the employer or the State.

Russian Federation. The minimum age for sea cadets is 16 years. The specific conditions on board the particular vessel and traditional features of the fishing industry should be taken into account.

Saint Vincent and the Grenadines. This should apply to maritime fishing only. Minors should show competence for exercising this activity.

Saudi Arabia. The hazards that fishermen face on industrial fishing vessels require skills and experience that young persons may not possess.

Spain. The minimum age of 16 is in conformity with Article 1 of Convention No. 138, according to which the member States should raise progressively the age of admission to employment or work. However, given that fishing has been declared a hazardous activity, minors should be excluded from it.

Sri Lanka. UFFC: A minimum age higher than 15 would deny school leavers from the fishing community the legal right to work.

Sweden. LO and TCO: The minimum age should be 18. As the fishing industry is one of the most dangerous trades, the minimum age limits for hazardous work established by the ILO should be applied. The conclusions of the Tripartite Meeting on Safety and Health in the Fishing Industry held in 1999⁴ recommended that countries bound by the Minimum Age (Fishermen) Convention, 1959 (No. 112), ratify Convention No. 138 and apply its Article 3. Furthermore, countries that have ratified Convention No. 138 but have a minimum age of less than 16 years were encouraged to adopt Article 3 of the Convention by sending a declaration to the ILO.

Switzerland. Some Offices of the Federal Administration note that the minimum age of 15 years given in Convention No. 138 is also valid for the fishing sector. However, fishing work should be considered hazardous and should therefore be prohibited for persons under 18 years of age if, by its nature or the circumstances in which it is carried out, it is likely to jeopardize the health, safety or morals of a child. Fishing, at least at sea, displays several characteristics of intrinsically hazardous work, as described in particular in Paragraph 3 of the Worst Forms of Child Labour Recommendation, 1999 (No. 190): working in a confined space: (b); or in an unhealthy environment (temperature, noise, vibrations: (d)); working with dangerous machinery, equipment or tools: (c); manually handling or transporting heavy loads: (c); working under difficult conditions (long hours, night work: (e)); being at sea for long periods of time, and the possible physical, psychological or sexual abuse to which children could be exposed in that environment: (a).

⁴ ILO: *Note on the proceedings*, Tripartite Meeting on Safety and Health in the Fishing Industry, Geneva, 13-17 Dec. 1999.

Trinidad and Tobago. NATUC: A minimum age of 15 is in conformity with Convention No. 138.

United Kingdom. The minimum age of 16 years ties in with existing United Kingdom and EU requirements. The United Kingdom has ratified Convention No. 138.

TUC: The United Kingdom is one of more than 130 member States to have ratified both Conventions Nos. 138 and 182. Fishing is a hazardous industry worldwide with a high rate of occupational accidents, illnesses and fatalities. The basic age for entry into the industry should be 18 in recognition of those hazards.

Venezuela. Depending on the type of fishing, the Convention could give the opportunity to persons under 18 provided that working conditions are supervised.

Zimbabwe. ZCTU: Provided that minors are accompanied by adults.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone): As fishing is a hazardous industry, the general age for employment under Convention No. 182 should be 18. However, it is desirable that young persons who are undergoing training should be allowed to undertake some tasks which would give them experience, provided that they enjoy suitable protection, e.g. when there is an apprenticeship contract.

ICMA. Fishers' families voiced strong support for placing age restrictions on working on fishing vessels.

ICSF. Sixteen years is the school-leaving age in many countries.

Qu. B2(c) *Should the Convention provide for exemptions?*

Affirmative

Governments: 39. Argentina, Australia, Bangladesh, Belgium, Benin, Canada, Costa Rica, Cuba, Denmark, El Salvador, Estonia, France, Greece, India, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Malawi, Netherlands, New Zealand, Nigeria, Norway, Philippines, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Sweden, Switzerland, Thailand, Tunisia, Ukraine, United Arab Emirates, United States, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), APOM (Panama), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), NCTL (Thailand), TUC (United Kingdom).

Others: CCE (Belgium), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 40. Algeria, Bahrain, Belarus, Brazil, Bulgaria, Burundi, China, Croatia, Cyprus, Czech Republic, Ecuador, Egypt, Eritrea, Fiji, Germany, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Latvia, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nicaragua, Oman, Panama, Romania, Spain, Syrian Arab Republic, Trinidad and Tobago, Turkey, United Kingdom, Venezuela.

Employers' organizations: EFE (Eritrea), LEC (Latvia), CCIAB (Lebanon).

Workers' organizations: CGT (Brazil), PPDIV (Croatia), CSG (Gabon), JSU (Japan), NUNW (Namibia), ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), ZCTU (Zimbabwe).

Others: AGCI PESCA, Confcooperative (Italy).

Other

Governments: 2. Finland, Lithuania.

Comments

Austria. Exemptions to the minimum age of 15 should under no circumstances be provided. If the minimum age is fixed at 18 years, exemptions should be possible for certain fishing vessels and certain (light) activities.

Costa Rica. INS disagrees.

Oman. The Ministry of Agriculture and Fisheries agrees.

*If yes, please specify.***Qu. B2(d)**

Argentina, CAPeCA/CALAPA/CAPA, SOMU (Argentina), *Australia, Belgium, Benin, Brazil, Canada, Cuba, Denmark,* Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), *Greece,* COHEP (Honduras), *India,* NEF (Namibia), PVIS (Netherlands), *Nigeria, Norway, Russian Federation,* RPRRKh (Russian Federation) list training work placements as exemptions.

Canada, CAW-Canada (Canada), *Costa Rica, El Salvador, Ireland, Japan,* JSU (Japan), *Republic of Korea,* FKSU (Republic of Korea), *Oman, Qatar,* ECA (Trinidad and Tobago), *Tunisia, United States,* USCIB (United States), EMCOZ (Zimbabwe) suggest exempting vessels, especially in the artisanal sector, operated by members of the same family, where minors would be working under close supervision, assuming that the work is not hazardous.

Australia. The types of exemption in Convention No. 138 should be taken into account.

Bangladesh. Self-employed fishing workers.

Canada. UFAWU-CAW: Fishing vessels in area “C” spending less than one day at sea.

Denmark. Young persons between 16 and 18 years of age should be protected by national legislation against physically dangerous working conditions on board. It should be possible for them to work on board if sea service is part of their training. Thus, there should be an agreement between the young fishermen and the shipowner concerning a training programme in accordance with national fishing education programmes recognized by the competent authority. This is in line with the provisions for the merchant fleet in the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

Egypt. GTUWA: Children at least 12 years of age trained in safe waters.

Estonia. Maritime students during training (at least 15 years old), as well as persons working on fishing vessels of categories “C” and “E” (at least 16 years old).

ESA/Estonian Fishermen’s Association: Exemptions should be possible, if the area of navigation is restricted.

France. Persons at least 15 years of age during school holidays.

Guinea. SLIMAPG: Coasters.

India. Cadets and students in vocational training.

Republic of Korea and FKSU (Republic of Korea): The employment of persons under 18 should be conditional on the production of a medical certificate attesting fitness for work, as provided in the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16).

Lebanon. The minimum age might be set at 16, provided that the safety and morals of the children concerned are fully protected, that they have received adequate specific instruction or vocational training, and that they work in territorial or coastal waters, with their parents’ consent.

CCIAS: There should be no exemptions, but the situation of individual fishermen should be taken into consideration.

Malawi. The Convention should consider exceptions based on the cultural background and level of economic development.

Namibia. NEF: Persons enrolled in an accredited training programme (e.g. cadet training).

Netherlands. In conformity with Conventions Nos. 138 and 182.

New Zealand. Fishing vessels operating within the territorial waters of the flag State.

Norway. In order to secure recruitment to the fishing profession, there needs to be an exemption for young people as part of their basic education. Norway has recently passed legislation making it possible to base a larger part or all of the skill training on apprenticeship contracts. When starting the first year of skill training the pupil might be 15 years of age.

Philippines. Persons between 16 and 18 years of age, with the official permission of the member State concerned and parental/guardian consent.

Portugal. The minimum age could be 15 years once obligatory schooling has been completed.

Saudi Arabia. Small vessels only operating by day.

Serbia and Montenegro. Fishing vessels of category “C”, particularly in artisanal small-scale fishery.

Sierra Leone. SALFU: The minimum age for apprenticeship should be 15 years in order to gain experience.

Sweden. Persons aged 13–15 years should be allowed to perform light tasks that are not detrimental to their health, development or schooling.

Switzerland. In cases where the time spent at sea is short. Some Offices of the Federal Administration consider that, if fishing at sea is deemed to be hazardous work within the meaning of Convention No. 182, exemptions could only be made as from the age of 16, and then only if the health, safety and morals of the child were completely protected and the child had received specific education or vocational training for the work (Article 4(1) of Convention No. 182, Paragraphs 3 and 4 of Recommendation No. 190).

Thailand. Persons not under 15 years of age, with written parental/guardian consent.

ECOT: Exemptions should be accompanied by clear guidelines for supervision and control by the competent authority.

United Arab Emirates. Children aged between 15 and 17 working during their holidays, if it is not an ocean-going vessel, and with the consent of the competent authorities.

United Kingdom. TUC: If the requirements of both Convention No. 138, Article 3(3), and Recommendation No. 190, Paragraph 4, are met, and noting the recommendations of the Tripartite Meeting on Safety and Health in the Fishing Industry (1999), entry into employment in the sector might be acceptable at age 16 in certain circumstances, for example for properly constituted apprenticeships.

Zimbabwe. Vessels fishing for leisure or subsistence.

Views shared by several workers' organizations: CCUOMM, CGT, UMAFLUP, (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), LO, TCO (Sweden): As fishing is a hazardous industry, the general age for employment under Convention No. 182 should be 18. However, it is desirable that young persons who are undergoing training be allowed to undertake some tasks, which would give them experience, provided that they enjoy suitable protection, e.g. when there is an apprenticeship contract.

ICMA. Allowances should be made for younger family members to learn the family business working on their family-owned vessel under proper supervision. Some aspects of the work, however, should be restricted to persons aged over 18 years. Specific guidelines should be laid down for under-age workers who are allowed to work on fishing vessels.

ICSF. Persons aged under 16 fishing as part of vocational training, working with a parent or relative, and participating in fishing operations that are not considered to be dangerous should be exempt.

Should the Convention provide that work on certain fishing vessels should be prohibited for persons under the age of 18 years?

Qu. B2(e)

Affirmative

Governments: 54. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belgium, Benin, Brazil, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Guatemala, Honduras, Hungary, India, Islamic Republic of Iran, Ireland, Kuwait, Lithuania, Malawi,

Mauritius, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Oman, Panama, Philippines, Romania, Russian Federation, Serbia and Montenegro, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), CDT (Morocco), NUNW (Namibia), NSU/NSF/DNMF (Norway), APOM (Panama), PSU (Poland), Federation of Fishing Sector Trade Unions (Portugal), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), ICMA.

Negative

Governments: 25. Australia, Belarus, Bulgaria, Czech Republic, Denmark, Greece, Iceland, Indonesia, Italy, Jamaica, Japan, Republic of Korea, Latvia, Lebanon, Malaysia, Netherlands, Norway, Portugal, Qatar, Saudi Arabia, Spain, Sweden, Turkey, United Arab Emirates, United Kingdom.

Employers' organization: MEDEF (France).

Workers' organizations: Estonian Fishery Workers Trade Union (Estonia), FKSU (Republic of Korea), FTUS (Lebanon), KSM NSZZ Solidarnosc (Poland), CNS Cartel Alfa (Romania), ZCTU (Zimbabwe).

Others: Confcooperative (Italy), PVIS (Netherlands), ICSF.

Other

Governments: 3. Germany, Saint Vincent and the Grenadines, Trinidad and Tobago.

Workers' organizations: ZZMiR (Poland), USS (Switzerland).

Comments

Several replies suggest prohibiting work on board fishing vessels on the high seas (Australia, Benin, Estonia, SLIMAPG (Guinea), India, Lebanon, Serbia and Montenegro, SWTUF

(Sudan), *Tunisia*, factory vessels (*Benin, France, TUC (United Kingdom), USCIB (United States)*), fishing vessels of category “A” (*Brazil, COHEP (Honduras), CDT (Morocco), NSU/NSF/DNMF (Norway), APOM (Panama), Serbia and Montenegro, UFFC (Sri Lanka)*) or “B” (*Brazil, COHEP (Honduras), APOM (Panama), Serbia and Montenegro, UFFC (Sri Lanka)*), vessels spending long periods at sea (*Brazil, France, Lebanon, Serbia and Montenegro, SWTUF (Sudan), TUC (United Kingdom)*), or vessels spending more than one day at sea (*Nigeria, Ukraine*).

Cuba, New Zealand, ECOT (Thailand). Prohibitions could be subject to exceptions by taking into account factors including proper training, experience and/or supervision.

Canada. CAW-Canada: Trawlers fishing outside territorial sea.

Ecuador. Vessels that go beyond territorial waters.

Ireland. HSA disagrees.

Japan. JSU: Operation of a line hauler, a capstan, etc.

Latvia. The National Board of Fisheries agrees.

Oman. The Ministry of Agriculture and Fisheries suggests exempting fishing vessels that operate in international waters.

Portugal. It is not the type of fishing vessel that should determine whether or not persons under the age of 18 are allowed on board, but rather the tasks to be performed and the place where they are to be performed.

Qatar. Many families in developing countries have limited incomes, so providing work opportunities for minors would help them, especially as unemployment is a major concern.

Spain. It should be taken into account that the risk lies in the environment of the activity itself, e.g. risk of shipwreck, storms, noise, vibration and pace of work.

Sweden. LO and TCO agree.

Switzerland. Some Offices of the Federal Administration find Questions B2(e) and B2(f) superfluous, if it is judged that fishing is an intrinsically hazardous job within the meaning of Convention No. 182 and therefore prohibited for persons under 18.

Sudan. SWTUF: Vessels operating in cold climates and dangerous areas and technologically sophisticated vessels.

United Kingdom. TUC: Fishing vessels at sea for lengthy periods confine the crew to the premises of the employer and deny the possibility of frequent return to the family.

United States. Fishing vessels with large machinery or vessels operating more than 3 miles from shore.

ICMA. Large industrial vessels. Age exceptions should be allowed only on small family-owned enterprise vessels.

ICSF. The Convention should rather prohibit certain fishing operations for persons under 18, e.g. *muro-ami* fishing in the Philippines.

Qu. B2(f) *Should the Convention provide that certain types and conditions of work on fishing vessels should be prohibited for persons under the age of 18 years?*

Affirmative

Governments: 69. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Serbia and Montenegro, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), UFAWU-CAW (Canada), UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 11. Australia, Eritrea, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Malawi, Malaysia, Saint Vincent and the Grenadines, Spain, United Kingdom.

Employers' organizations: Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), MEDEF (France).

Workers' organizations: CAW-Canada (Canada), CSG (Gabon).

Other: Confcooperative (Italy).

Other

Governments: 2. Egypt, Trinidad and Tobago.

Workers' organizations: PPDIV (Croatia), USS (Switzerland).

Comments

Algeria, Brazil, Canada, Costa Rica, Czech Republic, GTUWA (Egypt), Estonia, ESA/Estonian Fishermen's Association (Estonia), France, Greece, Iceland, HSA (Ireland), Japan, JSU (Japan), Republic of Korea, FKSU (Republic of Korea), Mauritius, CDT (Morocco), Mozambique, Namibia, Nicaragua, Norway, KSM NSZZ Solidarnosc (Poland), Portugal, Qatar, Russian Federation, UFFC (Sri Lanka), SWTUF (Sudan), Sweden, Switzerland, Thailand, ECA (Trinidad and Tobago), Tunisia, Ukraine, United Arab Emirates, United States, USCIB (United States), EMCOZ (Zimbabwe): Persons of less than 18 years of age should be excluded from work involving hazards and a high level of responsibility: e.g. physically or psychologically unhealthy, difficult or stressful work, night work, underwater work, or use of lifting machinery. Some replies stressed that young persons should not be involved in long voyages and generally in work that can be detrimental to their development.

Australia. Certain levels and types of employment on board vessels (e.g. coxswain, skipper, master or engineer, diver).

Egypt. GTUWA: Navigation, watches, maintenance in the water.

Estonia. ESA/Estonian Fishermen's Association: Deck work.

Hungary. Overtime.

Ireland. The Marine Survey Office recommends referring to the appropriate EU Directive.

Mexico. Work as trimmers or stokers.

Netherlands. The Convention should follow the age requirements set out in the STCW-F Convention and EU legislation on hours of work for young persons.

Norway. Norway has ratified Convention No. 182. The Government opposes double regulations on these matters and requests that obligations in this area be the same and/or that those who have ratified Convention No. 182 and apply it to fishermen be deemed to be in compliance with the new Convention. There should also be requirements for identification of possible risks and the development of a plan to avoid the identified risks in relation to all working operations on board.

Panama. APOM: All types of fishing vessels where there is operation and monitoring of equipment, specialized use of chemical substances, etc.

Saudi Arabia. Operation of winches on demersal fishing vessels or overnight stays on lighters far from the mother ship.

Serbia and Montenegro. Types of work with dangerous fishing gear, e.g. longline fishing.

Spain. The risk is always present on a fishing vessel, regardless of its size, area of operation or time spent at sea.

Syrian Arab Republic. In the case of those who are prosecuted legally and on security grounds.

United Arab Emirates. Work requiring physical handling of heavy loads or exposure to high temperatures, or work for long periods.

United Kingdom. Blanket prohibitions are inappropriate. The capability of young persons (16-18 years) for particular types of work should be assessed by risk assessment, as is the case in the United Kingdom. The United Kingdom has ratified Convention No. 182.

TUC: Furthermore, risk assessment may apply to some potentially dangerous tasks. Consideration should also be given to prohibiting work of persons under 18 on board fishing vessels in sea and weather conditions known or expected to be hazardous, e.g. deep-sea fishing in winter or during other extreme weather conditions.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): To do otherwise in an industry which has been designated as "hazardous" would be in breach of Convention No. 182. This is the case with dangerous tasks, watchkeeping and other work without supervision.

ICMA. Work should be categorized and those operations that are particularly onerous, dangerous, toxic or painful should be prohibited.

ICSF. Deck-based work under rough, cold and/or windy sea conditions, and work in the fish hold.

The vast majority of States (78 of 83) want the Convention to include a provision concerning minimum age for work on board fishing vessels.

While the majority (43) preferred a minimum age of 18, a significant number (31) supported a minimum age of 16 and a few (9) preferred an age of 15. Several States provided their reasons for requiring a minimum age: the hazardous nature of fishing, the difficulty and demanding nature of the occupation, and the importance of having fishers who have reached a certain level of mental and physical maturity, or who have an understanding of their rights, responsibilities and safety regulations. Several noted that the minimum age should not be below the school-leaving age, in order not to impact on educational development; others pointed to the importance of harmonizing the minimum age with the school-leaving age, in order to avoid a gap between compulsory education and work in the fishing sector. It was pointed out that fishers often learned their occupation from their parents, and this should be taken into account. Some replies drew attention to the fact that the minimum age of 15 or 16 complies with Convention No. 138; others considered 18 years more appropriate since, owing to the hazardous nature of fishing, Article 3 of Convention No. 138 and/or Convention No. 182, as well as Recommendation No. 190, are applicable.

There was an even distribution (39 for; 40 against) among those who wanted the Convention to provide for exemptions and those that did not. Some replies proposed that exemptions be in line with the provisions of Conventions Nos. 138 and 182 aimed at protecting the health, safety and morals of the child. Exemptions were suggested for young persons undergoing training or in apprenticeships. It was also suggested that there could be a requirement for the young person to receive pre-sea compulsory training by the employer or State in advance. Some replies suggested exemptions, for small vessels, day fishing, artisanal fishing, or fishing in rivers, inland waters and coastal areas. One reply called for exemptions based on cultural or economic factors. A few

suggested exemptions for young persons on family-operated vessels or working under proper supervision, or if the parent or guardian gave written permission. Others considered that work could be permitted during school holidays. Some stated that exemptions should permit neither night work nor work on holidays.

A majority of States (54) were in favour of prohibiting work by persons aged under 18 on certain fishing vessels, such as deep-sea vessels, vessels at sea for long periods, factory vessels, vessels operating in area “A” or “B”, vessels operating in dangerous areas or cold climates and vessels with certain types of machinery.

A large majority (69) was in favour of prohibiting certain types and conditions of work. These included: physically or psychologically unhealthy, difficult or dangerous work, certain senior positions, work without supervision (e.g. watchkeeping), maintenance in water, use of lifting machinery, difficult deck work, night work, diving, operation of dangerous machinery, equipment or tools, manual handling or transport of heavy loads, long hours, exposure to high temperatures, work in the fish-hold, work involving toxic or noxious chemicals, or work on deck in rough, cold and/or windy sea conditions. Some replies suggested that restrictions on the work of young persons should be based on risk assessment.

The Office has proposed a minimum age of 16, as the majority of government replies supported a minimum age of 16 or 18 years and as this was consistent with the views expressed at the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector. The Office has also borne in mind views expressed by Employer participants at the Tripartite Meeting concerning the need to avoid duplication of provisions in Conventions Nos. 138 and 182 and Recommendation No. 190.

B3. MEDICAL EXAMINATION

Should the Convention provide that persons working on board fishing vessels should undergo initial and subsequent periodic medical examinations?

Qu. B3(a)

Affirmative

Governments: 75. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Negative

Governments: 4. Indonesia, Saint Vincent and the Grenadines, Switzerland, United States.

Employers' organization: USCIB (United States).

Other

Governments: 3. India, Nigeria, Thailand.

Workers' organization: FTUS (Lebanon).

Comments

Algeria, Bahrain, Bulgaria, Burundi, INS (Costa Rica), Egypt, Eritrea, Fiji, CSG (Gabon), SLIMAPG (Guinea), Jamaica, National Board of Fisheries (Latvia), Mauritius, CDT (Morocco), Mozambique, Namibia, NEF, NUNW (Namibia), Nigeria, Oman, Qatar, CNS Cartel Alfa (Romania), Saudi Arabia, Serbia and Montenegro, Spain, United Arab Emirates, Zimbabwe support initial and periodic medical examinations to ensure fitness for work in the hostile maritime environment. Some replies also stress the need to ensure that contagious diseases do not spread aboard vessels or contaminate the catch. These measures would benefit both workers and employers.

Argentina. CCUOMM: The requirements of the initial medical examination and subsequent checkups should be consistent with the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*, 1997.

Australia. Such provisions should be qualified by the words "as appropriate" or, alternatively, this provision should be included in the Recommendation rather than the Convention. If health issues are identified as risk factors in fishing operations, they should be taken into consid-

eration in the risk assessment – initial and subsequent periodic medical examinations would be appropriate within that framework. However, medical examinations should not be used in order to discriminate against and exclude people with particular medical conditions from employment.

Brazil. Every Brazilian worker under a formal contract of employment is required to undergo initial, periodic and exit medical examinations, at the employer's expense, including fishermen.

Greece. According to the standards laid down in the Medical Examination (Seafarers) Convention, 1946 (No. 73).

Honduras. COHEP: Countries should require an initial medical examination, with records updated on a yearly basis.

India. Certified hands and other trained crew working on board fishing vessels in categories "A" and "B" above 20 m OAL should undergo initial and subsequent periodic medical examinations.

Ireland. A report by the Fishing Vessel Safety Review Group published in 1996 recommended that all candidates for certification under manning regulations should be required to pass a full medical fitness examination and subsequently be subject to two-yearly medical examinations.

Republic of Korea. The Government refers to Convention No. 73, according to which the medical certificate should remain in force for a period not exceeding two years from the date on which it was granted. If the period of validity of a certificate expires in the course of a voyage the certificate should continue in force until the end of that voyage.

Lebanon. Medical examinations of persons up to the age of 21 should be stipulated, then it should be at the discretion of each signatory to determine who can undertake such work.

CCCIAB. Their costs should be borne by the employer.

FTUS: Assigned doctors should undertake free medical examinations for those workers in the fishing sector who need them.

Malaysia. It is important to determine the health status, particularly with regard to contagious diseases, of foreign crew members on board vessels.

Nicaragua. There should be a medical examination when the worker retires from fishing activities.

Norway. The Convention must allow member States to implement regulations in this field through provisions of Conventions principally applying to seafarers and made applicable to fishermen.

Panama. APOM: The period between examinations should be not more than one year.

Portugal. Each State should draw up and keep up to date a list of doctors and health services for workers to consult.

Russian Federation. This should be a condition of employment.

Saint Vincent and the Grenadines. An initial medical examination would only prove useful on vessels over 24 m.

Switzerland. In developing countries such an examination is not really practicable.

Thailand. NCTL: The medical examination should be made at least once a year.

Trinidad and Tobago. NATUC: Subsequent medical problems would be more easily differentiated.

United Kingdom. TUC: Apart from the health needs of individual crew members, their health is also essential to the safety of the crew at sea.

United States. In the United States crew members working on fishing vessels are not required to undergo medical examinations. In some instances, medical examinations are required for licensed crew members.

USCIB: Hiring from remote locations would render this requirement impossible to fulfil in the absence of qualified medical facilities or in medically under-served areas, and might pose an undue financial hardship for the applicant or company covering the related costs. However, larger seagoing vessels must carry licensed personnel. The issue and renewal of their professional licence must be accompanied by a medical examination and drug test.

Zimbabwe. ZCTU: They may be compensated for work-related illnesses.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): Access to shore-based medical assistance cannot be relied upon. Moreover, the fishing industry is hazardous and often operates in difficult conditions with a small crew heavily dependent on each member.

ICMA. Examinations should be required at least every two years. Persons involved in navigational duties should be tested for colour-blindness.

ICSF. It should be a state obligation in countries where fishing men and women cannot afford it.

IMHA. Regulations about medical examination and certification should follow the same standards as for other seafarers requiring a periodic and job-specific examination to determine fitness for sea service. The ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*, 1997, should be applied, with possible updates and developments in cooperation with IMHA, and authorized doctors should decide to adapt or limit the fitness for enrolment to fishermen's personal health according to job, navigation, etc. To exclude fishermen because they remain at sea for periods of three days or less (as provided in the Medical Examination (Fishermen) Convention, 1959 (No. 113)) makes no sense nowadays in view of the culture of prevention of occupational risks and new navigation conditions.

Qu. B3(b) *Should the Convention provide for exemptions from the above requirement?*

Affirmative

Governments: 19. Australia, Canada, Costa Rica, Denmark, Eritrea, India, Islamic Republic of Iran, Jamaica, Japan, Lebanon, Malaysia, Netherlands, Oman, Saint Vincent and the Grenadines, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates.

Employers' organizations: COHEP (Honduras), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CAW-Canada (Canada), GTUWA (Egypt), CDT (Morocco), UFFC (Sri Lanka).

Others: PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 57. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, China, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Republic of Korea, Kuwait, Latvia, Lithuania, Malawi, Mauritius, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Philippines, Portugal, Qatar, Romania, Russian Federation, Serbia and Montenegro, Spain, Syrian Arab Republic, Trinidad and Tobago, Ukraine, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy).

Other

Governments: 6. Croatia, El Salvador, Panama, Switzerland, Thailand, United States.

Comments

Costa Rica. INS disagrees.

Oman. The Ministry of Agriculture and Fisheries disagrees.

If yes, please indicate what these exemptions should be?

Qu. B3(c)

Canada, Costa Rica, COHEP (Honduras), India, Saint Vincent and the Grenadines, Tunisia, United Arab Emirates and ICMA suggest the exemption of small vessels, artisanal or family-operated vessels and those operating close to the coast.

Saudi Arabia, ECA (Trinidad and Tobago), United Arab Emirates suggest the exemption of amateur and recreational fishing.

Australia. Activities not requiring this condition to be met (e.g. computer work versus trawl netting), or fishing vessels having access to prompt medical services.

Canada. CAW-Canada: Fishing vessels less than 19 m in length.

Denmark. The exemptions provided for in Convention No. 73 (Articles 1 and 2).

Eritrea. Diseases not expected in the fishing sector.

Ireland. The Marine Survey Office recommends exemptions for certain types of fishing. HSA suggests exemptions for visitors, fisheries officers, maintenance officers, etc.

Jamaica. The type of work performed should be taken into consideration.

Japan. Workers unable to undergo the periodic examinations for such inevitable reasons as being at sea for too long a period.

Malaysia. Local crews.

Netherlands. Fishing vessels of categories “B” and “C”.

Norway. The Norwegian Fishing Vessels Owners’ Association/Norwegian Trawler’s Association suggest exemptions for work during holidays and “work weeks” during junior high school.

Panama. This depends on the position held on board the fishing vessel or the work to be carried out.

Sri Lanka. UFFC: Vessels of categories “C”, “D” and “E”.

Sweden. Vessels below 20 GT or operating only in areas “D” and “E”.

Turkey. Personnel that are not involved in navigation.

United States. USCIB: Small fishing operations of less than 50 persons. Persons who are not engaged in safety-sensitive positions should be subject to medical examinations at the employer’s or master’s discretion.

ICSF. Persons involved in day fishing operations.

Qu. B3(d) *Should the Convention provide that a person working on board a fishing vessel and for which a medical examination is required should hold a medical certificate attesting to fitness for work for which he or she is to be employed at sea?*

Affirmative

Governments: 76. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Latvia, Lebanon, Lithuania, Malawi, Mauritius, Mexico, Mozambique,

Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), PPDIV (Croatia), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), SLIMAPG (Guinea), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), RPRRKh (Russian Federation), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, IMHA.

Negative

Governments: 4. Iceland, Malaysia, Switzerland, United States.

Employers' organization: CCIAS (Lebanon).

Workers' organizations: UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), FTUS (Lebanon), APOM (Panama), KSM NSZZ Solidarnosc, PSU (Poland), CNS Cartel Alfa (Romania), SALFU (Sierra Leone), TUC (United Kingdom).

Other: ICSF.

Other

Governments: 2. Kuwait, Thailand.

Workers' organization: CDT (Morocco).

Comments

Argentina. CCUOMM: This certificate should be consistent with the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*.

CGT: The certificate should be issued by medical personnel approved by the competent authority.

SOMU: This is noted in the seafarers' book based on medical examination of the crew member.

Australia. There are a number of occupational activities requiring medical surveillance and/or medical fitness certificates, including use of hazardous substances and underwater diving. Fishing vessels may entail the risk of being some distance from medical assistance.

Bahrain. The medical certificate should be of a limited duration (two years).

Brazil. All persons working in the fishing sector, even artisanal fishermen, should undergo occupational medical certification, which could be provided by the State, in view of the activity's high degree of risk.

Burundi. The medical certificate should be reviewed every six months.

Costa Rica. INS states that this would be a means of protection for the worker and would relieve the employer of liability.

Egypt. Agrees for the safety of fishing personnel and fishery production.

Estonia. The medical certificate of workers aged under 21 or over 50 years should only be valid for one year.

Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation: Except for areas of operation "D" and "E".

India. This should be required for all vessels fishing outside territorial waters.

Jamaica. This will depend on the type of work to be done.

Japan. JSU: Nowadays fishermen from many different countries work together on board, and there should be an international standard on their health certification.

Republic of Korea. The certificate should be signed by a medical practitioner authorized by the competent authority.

Lebanon. Each person should carry a certificate providing medical information, such as blood type, general individual information, and other details set out by the competent authority.

Namibia. The Government requests the same medical certificate as in the merchant fleet.

Nicaragua. The examination should be exhaustive and highly technical, without the worker having to pay high costs; these provisions could be set out in a Recommendation.

Norway. This will ensure that only those who are medically fit will be allowed to work on board, which is an essential safety element. For those who are denied access on medical grounds, the Convention must provide for the right to an administrative appeal.

Oman. Control by the authorities should ensure that shipowners require medical certificates from workers on board fishing vessels.

Philippines. This would be mutually advantageous to the employer and the worker, since it would ensure that only those who are physically fit and able to work will be hired and that timely treatment and recovery of those afflicted is possible.

Portugal. The period of validity of the certificate should be shorter for persons aged under 18 and over 50.

Qatar. Certain chronic diseases (e.g. heart and pulmonary diseases) impede work on fishing vessels, given its difficult nature and the effort exerted.

Russian Federation. The Convention should include a provision on the personal responsibility of the crew member.

Spain. Such a certificate could be replaced with an annotation and brief summary contained in the worker's identity document.

Sudan. SWTUF: Certificates prove entitlement to medical care as part of insurance coverage in the event of injury. On the basis of the medical certificate, the real causes of an ailment may be examined.

Thailand. NCTL: The certificate should be issued by a doctor or government health official.

United Arab Emirates. In addition to the physical examination, the medical certificate should include psychological testing, eye and hearing tests for the skipper and officers.

United States. USCIB: Unless the medical examination is a requirement of a licence or certificate which is also required to be current and posted on board the vessel.

Zimbabwe. This is consistent with OSH measures.

ZCTU: Fitness for work should be certified by nationally recognized medical personnel or professionals.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), TUC (United Kingdom): There should be a general medical certificate based on Question B3(a) above, rather than different ones related to specific work functions.

ICMA. There could be exceptions for family members working for small family-owned enterprises. However, such an exemption might be moot if insurance were unavailable for those without certificates.

ICSF. It would be impractical to implement.

IMHA. Medical certificates are legal documents and, as such, are a guarantee and a tool for inspectors to facilitate preventive and healthy measures on board. Compliance with a minimum standard should be required to ensure homogeneity. There should be authorized maritime health occupational doctors. IMHA could help prepare guidelines for their continuing education or minimum standard training. Restrictions or limitations on the job or navigation should also be stated in the certificate, rather than only a declaration as "fit" or "unfit". The doctor should propose a period of validity, within a maximum range, according to the fishermen's health and conditions of navigation.

A large majority of States (75 of 83) supported mandatory initial and subsequent periodic medical examinations in view of the hazardous nature of fishing, the extreme working conditions, and the possibility of transmitting disease to other fishers and to the public through contamination of the catch. Reference was made to Convention No. 73. There were specific suggestions on what might be checked during such examinations. The majority (57) did not support exemptions to the requirement for medical examinations. A minority suggested exemptions for: small vessels, artisanal or family fishing, vessels operating close to shore; operations involving less than a certain number of persons; day fishing; amateur and leisure fishing; and young persons working during school holidays.

A large majority of States (76 of 83) indicated that the Convention should provide that a person working on board a fishing vessel and for which a medical examination is required should hold a medical certificate attesting to fitness for work. It was

suggested that the certificate should be issued by medical personnel approved by the competent authority. It should be consistent with the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*. Appropriate administrative appeal procedures should be in place in the event that a fisher is denied a certificate. The period of validity should be shorter for young fishers and those aged over 50. The certificate might indicate restrictions or limitations on work rather than simply stating “fit” or “unfit”.

Bearing in mind these replies and views expressed on this issue by the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector, the Office has proposed a general requirement (in *Point 18*) for persons on board to hold a valid medical certificate, coupled with the possibility that the competent authority might, after consultation, grant exemptions in respect of vessels which do not normally undertake voyages of more than a certain number of days (*Point 19*). The figure for the number of days has been left open for the Conference to discuss. *Point 20* sets out the main issues to be addressed in national laws and regulations or other measures with regard to such medical examinations and medical certificates, drawing upon the main concepts of Convention No. 113. Other details of Convention No. 113 have been moved to the Proposed Conclusions with a view to a Recommendation.

B4. MEDICAL CARE AT SEA

Qu. B4(a) *Should the Convention provide that fishing vessels should be required to carry appropriate medical supplies?*

Affirmative

Governments: 81. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Negative

Government: I. Lebanon.

Comments

Algeria, Bangladesh, Brazil, India, Indonesia, Lebanon, FTUS (Lebanon), Malaysia, NEF (Namibia), APOM (Panama), Portugal, Romania, Thailand, NCTL (Thailand), Tunisia would prefer these medical supplies to consist of “first aid” or “emergency medication” as a minimum.

Argentina, Denmark, Eritrea, Estonia, Honduras, Lebanon, Philippines, Portugal, Saint Vincent and the Grenadines, United States suggest that vessels should carry medical supplies that are appropriate to the area of operation, vessel size, number of persons on board and other such factors. These should depend on the expected specific risks, as in diving, for example.

Australia. Fishing vessels can be a hazardous work environment, and at a distance from prompt medical assistance. Any provision should take account of relevant IMO standards, i.e. the SFV 1977 and the SFV PROT 1993.

Bahrain. At least basic supplies and medication should be available to treat diseases.

Costa Rica. INS considers that this should be compulsory for fishing vessels remaining at sea for more than 72 hours.

Denmark. Council Directive 92/29/EEC⁵ covers this item for EU Member States.

Egypt. GTUWA: The wording should rather be “sufficient supplies”.

El Salvador. In order to be prepared for taking any preventative or curative measures necessary.

Estonia. ESA/Estonian Fishermen’s Association: It should be an obligation of the member State to require that appropriate medical supplies be carried according to national conditions.

Fiji. This would cater for work-related injuries and diseases.

Guinea. SLIMAPG: For the purpose of primary care and preventative treatment.

⁵ See Annex II to this report.

Honduras. COHEP: For artisanal and small-scale fishing vessels, this should remain a recommendation.

Ireland. Refer to the appropriate EU Directive.

Republic of Korea. Refers to the Ships' Medicine Chests Recommendation, 1958 (No. 105).

Malawi. Fishing vessels operating for a long period of time should carry medical supplies for any eventuality .

Mexico. This is the responsibility of the employer.

Namibia. Medical supplies on board fishing vessels should correspond to those required on board merchant vessels, although fishing vessels are even more dangerous.

Netherlands. This requirement should be in line with Council Directive 92/29/EEC.

Nicaragua. The fishing vessel should be able to deal immediately with any accident that takes place.

Oman. As fishing vessels are often far from medical facilities and medical care centres, such supplies should be available on board.

Qatar. In Qatar, fishing vessels are inspected annually, including safety and first-aid equipment.

Romania: CNS Cartel Alfa: Common medications and first aid should be available.

Russian Federation. There should be a mandatory provision on a standard set of medical supplies.

Saudi Arabia. First-aid supplies and antivenom serums.

Serbia and Montenegro. Especially for vessels of categories "A" and "B".

Spain. The distance from the coast and lack of external emergency services means that medical supplies are so vital that the administration of a drug on board can save a seafarer's life.

Switzerland. The danger of injury is greater than on shore.

United Arab Emirates. Supplies for treating injuries, headaches, heart disease, diabetes, vertigo; medical oxygen and masks; and the usual first-aid supplies.

United Kingdom. The appropriate standard would be that set out in Council Directive 92/29/EEC.

United States. USCIB: Fishing vessels should have a complete first-aid manual and medicine chest with drugs and supplies appropriate to the overall size of the crew.

Zimbabwe. Otherwise injuries offshore may be fatal.

Views shared by several workers' organizations: CCUOMM, CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): Specific requirements depend on the area of operation.

ICMA. All vessels should be required to carry basic medical supplies. Vessels operating on the deep sea or on long voyages could be required to carry larger medical chests.

IMHA. No limitations based on the type and size of fishing vessels should be applied, except in order to adapt the content. IMHA could help update Appendix IV "Recommended

contents of fishing vessels' medicine chest" of the Fishing Safety Code (e.g. with regard to first-aid kits for small ships), given that it is already contributing to preparing the third edition of the International Medical Guide for Ships, taking into account basic regulations such as Council Directive 92/29/EEC.

Should the Convention provide that fishing vessels should normally have on board a person (e.g. the master or a member of the crew) qualified or trained in first aid or other forms of medical care? **Qu. B4(b)**

Affirmative

Governments: 81. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Other

Government: 1. Lebanon.

Comments

Argentina. Vessels with a large number of crew and at sea for a considerable period should have a doctor on board, failing which there should be a trained person on board. Without prejudice to the foregoing, it might be suggested that deep-sea vessels should carry a doctor and a nurse; coastal and outlying coastal vessels should have nursing staff.

CAPeCA/CALAPA/CAPA: It should be the captain.

SOMU: There should also be means to allow rapid consultations with qualified doctors on shore to ensure that appropriate assistance is provided.

Canada. UFAWU-CAW: There should be two persons (master or crew members) trained in first aid.

Bulgaria. This requirement should be limited to SOLAS vessels.

Denmark. This training requirement should however depend on the size and operating area of the fishing vessel.

Ecuador. The person should have particular knowledge of the accidents that occur in the sector and the associated illnesses.

Estonia. At least one person on board should always be qualified or trained in first aid, but not necessarily in other forms of medical care. First aid should be available in fishing vessels of all categories, and medical treatment should be available on fishing vessels of category "A".

Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation: Professional skills of fishermen should include first aid in case of injuries.

Finland. Depending on the length of the vessel a qualified person should be required.

France. Training should vary according to the type of fishing vessel and navigation, and there should be a transition period allowing for the implementation of such training.

MEDEF: There should be temporary provisions ensuring the gradual extension of the above to small fishing vessels.

Honduras. COHEP: This requirement should apply to fishing on the high seas or fishing vessels that are out for a number of days; for the others, this should only be recommended.

India. This should be required for all vessels beyond 20 m OAL.

Ireland. Reference should be made to the appropriate EU Directive.

Jamaica. This is desirable but depends on the type of operation.

Japan. JSU: The actual requirements should be developed taking into account the area of operation and availability of a shore-based support system.

Lebanon. Such a person should only be available on board vessels operating in international waters or outside territorial waters.

CCIAS: Moreover, a doctor should be present on board large vessels.

FTUS: This should be done through certification and training courses for the crew of each ship.

Malaysia. But only for fishing vessels operating on the high seas.

Namibia. NEF: At least two persons should hold advanced first-aid certificates.

NUNW: At least three crew members should be trained in first aid.

Netherlands. This requirement should be in line with Council Directive 92/29/EEC.

Panama. APOM: All crew members should have to take basic first-aid and swimming courses.

Philippines. Where there are ten to 50 workers in a workplace, the services of a graduate first-aider is to be provided; this person may be one of the workers and should have immediate access to the first-aid equipment. Where there are 50 to 200 workers, the services of a full-time registered nurse are to be provided. However, if the workplace is non-hazardous and a nurse is not available, the services of a full-time first-aider may suffice.

Portugal. There should be a person with sufficient training to use the supplies referred to in Question B4(a) and to follow instructions provided by radio.

Qatar. In view of the specific possibilities of national implementation, this proposal should rather be a Recommendation.

Saudi Arabia. Especially for vessels spending several days at sea, to ensure that no injury deteriorates before the vessel reaches land.

Serbia and Montenegro. Especially for vessels of categories “A” and “B”.

Switzerland. Basic training would be sufficient.

Thailand. ECOT: Five to ten years should be provided for arranging training and implementation.

Tunisia. Particularly fishing vessels operating on the high seas.

United Arab Emirates. As fishermen are exposed to sun and heat, which could lead to unconsciousness, injury or drowning, the presence of an experienced person is essential.

United Kingdom. This should be proportionate depending on the stores carried – cf. Council Directive 92/29/EEC.

TUC: The skill level required will further depend on the stores carried and should be appropriate even for single-handed vessels, which may come to the aid of other vessels.

United States. This should depend upon the area in which the vessel is operating. In the United States, commercial fishing vessels carrying three or more crew members and operating outside 3 miles must have a person trained in first aid and CPR.

USCIB: Each vessel with two to 15 individuals on board should have at least one person trained in basic first-aid response by a certified trainer and CPR delivery. Vessels that carry 16 or more crew members should have additional trained and certified crew members.

Zimbabwe. ZCTU: This should be compulsory if there are no medical rescue services in the vicinity.

Views shared by several workers' organizations: CCUOMM, CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): The skill level would depend on the area of operation and ability to secure shore-based medical assistance.

ICMA. Each fishing vessel should be required to have on board a person qualified in first aid. That person's certificate should be posted on the vessel at all times so that all persons on board are informed of who is responsible for emergency medical care.

IMHA. According to the STCW-F Convention, it should be a responsible person who undergoes refresher courses at least every five years. IMHA could help update the minimum content of these courses and adapt them to the type of ship and navigation (i.e. distance from appropriate onshore medical resources). Fishermen should be trained on radio-medical consultations and carry an updated and appropriate medical chest and a copy of the International Medical Guide for Ships.

Qu. B4(c) *Should the Convention provide that certain fishing vessels should be excluded from the above requirement?*

Affirmative

Governments: 31. Argentina, Austria, Bangladesh, Brazil, Bulgaria, China, Costa Rica, Croatia, Cyprus, El Salvador, Finland, France, Hungary, India, Islamic Republic of Iran, Italy, Jamaica, Japan, Republic of Korea, Latvia, Malaysia, Mauritius, Netherlands, Nicaragua, Philippines, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Tunisia, United Arab Emirates, United States.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAS (Lebanon), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), ECA (Trinidad and Tobago).

Workers' organizations: GTUWA (Egypt), FKSU (Republic of Korea), CDT (Morocco), APOM (Panama), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), ZCTU (Zimbabwe).

Others: CCE (Belgium), ICSF.

Negative

Governments: 50. Algeria, Australia, Bahrain, Belarus, Belgium, Benin, Canada, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Fiji, Germany, Greece, Guatemala, Honduras, Iceland, Indonesia, Ireland, Kuwait, Lebanon, Lithuania, Malawi, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nigeria, Norway, Oman, Panama, Portugal, Romania, Russian Federation, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), CCIAB (Lebanon), NEF (Namibia), ECOT (Thailand), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FTUS (Lebanon), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), USS (Switzerland), TUC (United Kingdom).

Others: AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, IMHA.

Other

Government: 1. Burundi.

Comments

Australia. All workplaces, including fishing vessels, should have first-aid equipment and facilities readily available for use, and these should be adequate for the types of injuries or emergencies anticipated. In such circumstances, one or more trained persons should be available to administer first aid in accordance with the risk assessment for fishing vessels as a workplace. Rather than providing for exemptions, the Convention should qualify this requirement by the words “as appropriate for the length and distance of the proposed voyage”.

Oman. The Ministry of Agriculture and Fisheries agrees.

IMHA. No limitations based on type and size of the fishing vessels should be applied, except in order to adapt the content of the medical chest or the first-aid and medical care courses. In small-scale fisheries account should be taken of hypothermia, artificial respiration, and stings and poisoning by marine animals, as well as preventive devices.

If yes, please specify:

Qu. B4(d)

Argentina, CAPeCA/CALAPA/CAPA (Argentina), Austria, Brazil, Bulgaria, China, Costa Rica, INS (Costa Rica), El Salvador, France, MEDEF (France), COHEP (Honduras), India, Italy, Jamaica, Latvia, National Board of Fisheries, LEC (Latvia), CCIAS (Lebanon), Malaysia, Mauritius, CDT (Morocco), Netherlands, Norwegian Fishing Vessels Owners' Association/Norwegian Trawlers' Association (Norway), Oman, APOM (Panama), Philippines, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, UFFC (Sri Lanka), SWTUF (Sudan), Tunisia, United Arab Emirates, ZCTU (Zimbabwe) suggest that small coastal and artisanal vessels typically less than 10 to 20 m in length could be excluded, depending on the area of operation, or that vessels operating in areas “C”, “D” and “E” within territorial waters could be excluded, especially if they remain at sea for less than 48 hours.

Australia. There should be no exemptions. Even if fishing vessels are close to shore or medical assistance, first aid should be available on board. The same consideration would apply to all workplaces. First aid refers to the provision of immediate assistance in an emergency.

Croatia. The above requirement should depend on fishing vessel length and tonnage.

Estonia. ESA/Estonian Fishermen's Association: Requirements should only apply to international fishing vessels. For inland and territorial waters there should be different training requirements.

Finland. A qualified person should be required according to the length of the vessel.

Greece. The Convention should only deal with fishing vessels sailing internationally.

Hungary. The medical supplies required should depend on the number of crew members and vessel size, as defined by national law.

Ireland. The Marine Survey Office indicates that the location of the operation may negate the requirement. HSA suggests excluding vessels of category “E” during training.

Japan. Vessels should be exempted according to tonnage, length and time at sea.

Nicaragua. The length of time spent at sea should be taken into consideration.

Qatar. The availability of first-aid equipment is essential for all fishing vessels.

Thailand. NCTL: Fishing vessels with fewer than 50 persons on board.

Trinidad and Tobago. ECA: Vessels used for sports or recreation.
NATUC: Family-operated vessels.

United Kingdom. In principle there should be no exclusions, but all depends on the exact coverage of the Convention.

United States. First-aid supplies and the ability to administer first aid should be determined based on the vessel's size, distance from shore and number of crew members.

ICSF. Fishing vessels only performing short fishing trips or day fishing operations.

The vast majority of States (81 of 83) indicated that the Convention should provide that fishing vessels should be required to carry appropriate medical supplies. Reasons given included the high degree of risk in fishing and the remoteness of fishing operations from medical care ashore. Several replies suggested a first-aid kit as a minimum; others considered that medical supplies should depend on operating area, vessel size, number of persons on board, etc.

Nearly all States (81) agreed that the presence on board of a person qualified or trained in first aid or other forms of medical care should be mandatory. Several replies called for flexibility regarding the implementation of this provision (depending on the fishing operation, time at sea, or size of the vessel and allowing a transitional period for the extension of this requirement to small fishing vessels). On large vessels, more than one person should be so trained, especially on the high seas. Consideration should be given to the STCW-F Convention, and reference was made by European countries to Council Directive 92/29/EEC. Very large vessels (or vessels with large crews) could carry medical doctors. Training in the use of radio-medical services would be useful.

The majority of States (50) did not want the Convention to provide for the possibility of exclusions. However, some proposed the exclusion of small vessels, artisanal vessels, family-owned vessels, vessels operating within 3 miles of the baseline or in territorial waters, or at sea for only one or two days at a time, or vessels with a small number of persons on board. It was also suggested that the requirement be qualified by the words "as appropriate for the length and distance of the proposed voyage" and be based on risk assessment.

The Office has proposed provisions that take into account the vast majority of affirmative replies to Questions B4(a) and (b). *Point 32* draws upon the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126) and certain provisions of the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164). A new provision concerns the right to have access to medical treatment ashore. *Point 33* has been added to strengthen the requirements for vessels on international voyages. More detailed provisions have also been included in the Proposed Conclusions with a view to a Recommendation.

B5. CONTRACTS FOR WORK

Qu. B5(a) *Should the Convention provide that every person working on board a fishing vessel should have a written contract or articles of agreement, subject to such conditions as may be provided for in national laws and regulations?*

Affirmative

Governments: 78. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB (Lebanon), NEF (Namibia), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA.

Negative

Governments: 3. Australia, Bulgaria, Thailand.

Employers' organizations: CCIAS (Lebanon), ECOT (Thailand).

Workers' organization: FTUS (Lebanon).

Other: ICSF.

Other

Government: 1. Germany.

Comments

Austria, Burundi, Indonesia, Islamic Republic of Iran, CCIAB (Lebanon), Oman, Spain consider that a written contract should stipulate the working conditions, rights and basic duties of both parties.

INS (Costa Rica), *Czech Republic, Eritrea, Mozambique, Norway, Oman, Saudi Arabia, United Arab Emirates* consider that a contract would serve as a reference for and facilitate the settlement of disputes and enable fishers to claim their entitlements.

Algeria. Fishing should not be excluded from labour legislation.

Australia. The regulation of employment contracts should not be undertaken on an individual industry basis. Legislation and/or ILO Conventions that apply across all industries are the most appropriate avenue for this type of regulation.

Bahrain. It is preferable that every fisher be covered by insurance.

Brazil. In Brazil, the contract of employment must be registered in the Work and Social Welfare Booklet, an official document containing a record of the worker's entire working life.

Canada. UFAWU-CAW: Preferably there should be a collective agreement.

Costa Rica. INS: This would prevent disputes and facilitate their resolution through the interpretation of the employment contract.

Denmark. Council Directive 91/533/EEC⁶ covers this item for EU Member States.

Egypt. Fishers would thus obtain appropriate compensation in the event of injury or death.

Finland. The requirement of written contracts or articles of agreement should be in accordance with those set out for salaried workers in other sectors. This issue could also be included in the Recommendation.

Greece. The contract should specify whether it covers persons working on board fishing vessels involved in navigation or those involved in fishing (using fishing machinery).

India. This should be required for deep sea fishing vessels only.

Ireland. The Marine Survey Office indicates that this may conflict with traditional agreements, e.g. share agreements. HSA disagrees.

Lebanon. The written contract or terms of employment should be clearly set out in a language understood by the worker.

CCIAS: It would be very difficult to follow up on compliance with this obligation.

FTUS: No written contract is needed, except in the case of foreign fishermen working for a Lebanese employer.

Malawi. To avoid exploitation of workers, as is the case where the form of employment is predominantly oral.

Malaysia. Only for fishing vessels operating on the high seas.

Namibia. No temporary employment without a contract should be allowed.

Norway. The main principle is that the contract enables any claim to be legally enforceable. The special provisions of the Fishermen's Articles of Agreement Convention, 1959 (No. 114), concerning shares and methods of calculating them should be retained.

Russian Federation. The Convention should include a provision on the responsibility of an employer who refuses to conclude a collective agreement and individual contracts of employment.

Sweden. This provision should only be applicable to employees.

Thailand. A labour contract is valid whether written or oral.

⁶ See Annex II to this report.

United Kingdom. This requirement will need to take into account the particular arrangements that apply to share fishermen in the fishing industry.

TUC: This would be in line with Article 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Venezuela. In many countries workers' rights are violated, and a contract ensures compliance with the legislation and the stipulated conditions.

Zimbabwe. ZCTU: Provided that there are supervisory mechanisms.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): The competent authority should ensure that such documents reflect the terms and conditions of applicable collective agreements and take active measures to promote the negotiation of collective agreements.

ICMA. Employment in many fisheries is defined by traditional terms known by everyone in the traditional community. However, because fishing vessels increasingly employ persons from outside the traditional community, all persons employed on fishing vessels should have a written contract.

ICSF. A written contract should only be required if the fishing operations extend to other EEZs or the high seas, and only if there are distinct categories of owners and workers.

Should the Convention provide for possible exemptions from the above requirement? **Qu. B5(b)**

Affirmative

Governments: 28. Algeria, Australia, Bangladesh, Belgium, Brazil, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Finland, Greece, Hungary, India, Jamaica, Republic of Korea, Netherlands, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Sweden, Tunisia, United Kingdom, United States.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), MEDEF (France), COHEP (Honduras), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM (Argentina), CAW-Canada (Canada), GTUWA (Egypt), FKSU (Republic of Korea), CDT (Morocco), RPRRKh (Russian Federation), UFFC (Sri Lanka), NATUC (Trinidad and Tobago).

Others: PVIS (Netherlands), ICSF.

Negative

Governments: 51. Argentina, Bahrain, Belarus, Benin, Burundi, China, Croatia, Cuba, Ecuador, Eritrea, Estonia, Fiji, France, Guatemala, Honduras, Iceland, Indonesia,

Islamic Republic of Iran, Ireland, Italy, Japan, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Portugal, Romania, Saudi Arabia, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), EMCOZ (Zimbabwe).

Workers' organizations: CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FTUS (Lebanon), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), SALFU (Sierra Leone), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA.

Other

Governments: 3. Austria, Bulgaria, Germany.

Comments

Ireland. HSA agrees.

Oman. The Ministry of Agriculture and Fisheries agrees.

Qu. B5(c) *If yes, which categories of persons working on board fishing vessels could be exempted from the provisions concerning written contracts or articles of agreement?*

Algeria, Argentina, CCUOMM (Argentina), Bangladesh, Brazil, Canada, CAW-Canada (Canada), Costa Rica, Cyprus, El Salvador, COHEP (Honduras), Ministry of Agriculture and Fisheries (Oman), Philippines, Qatar, NATUC (Trinidad and Tobago), Tunisia, United Arab Emirates, USCIB (United States) suggest exempting small vessels engaged in artisanal, coastal or small-scale fishing and/or operated by the owner and his/her family.

Argentina. CAPeCa/CALAPA/CAPA: Exemptions should be made according to the type of fishing vessel.

Australia. Observers, scientists and students.

Costa Rica. INS suggests exempting persons who represent the interests of the employer, e.g. fishing-vessel captains.

Czech Republic. Persons doing short-term auxiliary work.

Denmark. According to Council Directive 91/533/EEC, employees in very short-term employment.

Egypt. Seasonal and part-time employees and persons working on board while the vessel is in port.

France. MEDEF: Subject to the existence of a collective agreement setting the conditions of employment.

Greece. Persons undergoing training.

Hungary. Direct or indirect vessel owners.

India. Persons working on powered or non-powered coastal vessels below 20 m length.

Ireland. HSA suggests excluding persons on board vessels of categories “D” and “E”.

Jamaica. This depends on the type of operation. There should be a standard short-term contract for engineers and fishers, for example.

Republic of Korea. If there is a collective agreement signed by employers’ and workers’ organizations.

Morocco. CDT: Trainees.

Netherlands. Share fishermen.

Norway. Norwegian Fishing Vessel Owners’ Association/Norwegian Trawlers’ Association: exemptions for work during holidays and “work weeks” during junior high school.

Philippines. Fishers working on fishing vessels operating in areas “C”, “D”, and “E”.

Russian Federation. Directors of enterprises on board vessels belonging to such enterprises, persons sent on mission to areas of operation, passengers.

Saint Vincent and the Grenadines. Short-term workers, observers and researchers.

Sri Lanka. UFFC: Vessels of categories “D” and “E”.

Sweden. Persons working for less than one month.

Thailand. ECOT: Educational personnel, observers, etc.

Trinidad and Tobago. ECA: Minors working on board fishing vessels owned or operated by the guardian.

United Arab Emirates. Research and fisheries protection vessels, leisure and cruise craft.

United Kingdom. Land-based workers temporarily on the vessel to carry out works, or fishing surveillance.

United States. Commercial vessels of up to 20 GT.

ICSF. Persons working on board fishing vessels going on shorter fishing trips or day-fishing.

Qu. B5(d) *Should the Convention provide that persons working on board a fishing vessel should have access to appropriate mechanisms for the settlement of disputes concerning their contract or articles of agreement?*

Affirmative

Governments: 78. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 3. Australia, Hungary, Tunisia.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), LEC (Latvia).

Workers' organizations: Estonian Fishery Workers Trade Union (Estonia), FTUS (Lebanon).

Other

Government: 1. Costa Rica.

Comments

Norway, Sweden. The responsibility should lie with the flag State, and the issues should be brought before the administration or courts of the flag State or country of residence of the fisherman. General mechanisms available to all workers (e.g. access to arbitration in certain circumstances, or employment tribunals) should be considered as substantially equivalent to any special mechanisms devised in the context of this instrument.

Argentina. The administrative labour authority and national or federal courts, as appropriate.
CAPeCA/CALAPA/CAPA: It is not necessary to create separate mechanisms or proceedings.

CGT: The mechanisms should be stipulated in the collective agreements and in the relevant national legislation.

Brazil. In Brazil, the Labour Court is competent.

Costa Rica. INS agrees and considers that, as this work, in most cases, takes place outside the territory of the flag State, special facilities should be provided to settle disputes.

Denmark. However, the Convention should provide that claims concerning articles of agreement can only be presented to an administration or court of the flag State.

Ecuador. Mediation, arbitration and administrative or judicial tribunals.

Egypt. Courts with competence to examine labour contracts, fishermen's confederations, trade unions and insurance companies.

Eritrea. EFE: Mediators.

Estonia. ESA/Estonian Fishermen's Association: In the case of small countries it is not necessary to provide for special mechanisms.

Fiji. However, not all fishing vessels can carry personnel for dispute settlement.

Finland. Disputes should be settled in court in the same way as other labour disputes.

Ghana. MDU: The appropriate workers' organization.

Hungary. International private law rules should apply here.

Republic of Korea. The competent authority could mediate between employers and workers.

Latvia. The National Board of Fisheries disagrees.

Lebanon. FTUS: Relations between fishers are governed by traditions. The arbitrator in the event of a dispute is one of their peers, and the judgement is binding and irrevocable.

Malawi. The Government agrees to provide for collective bargaining, social dialogue and expeditious resolution of disputes conducive to social and economic progress.

Mauritius. Recourse to court would be too time-consuming.

Mexico. In Mexico, the Federal Conciliation and Arbitration Board is competent.

Morocco. CDT: There should be occupational or administrative bodies for arbitration before submitting complaints to courts.

Namibia. A union representative or a lawyer.

NEF: District labour courts.

Panama. APOM: Maritime labour tribunals for vessels of categories "A" and "B" with guarantees of legal assistance.

Philippines. Pertinent government agencies of countries whose citizens or nationals work on foreign-flag/registered fishing vessels.

Portugal. Bodies with general jurisdiction in labour law (labour inspectorate, labour tribunals) and the competent maritime authority.

Russian Federation. The Convention should provide for a standard system of settlement of labour conflicts on a vessel, with the personal responsibility of the shipowner and employer.

Saudi Arabia. The fisher's country of origin should be informed of the terms of the contract and the settlement of disputes mechanism in the employer's State.

Spain. The contract should specify the means of settlement of disputes.

Sri Lanka. UFFC: The Convention should also provide for the right to association or union membership, without which individual fishermen might find it impossible to settle disputes.

Thailand. NCTL: Arbitration or labour courts.

Trinidad and Tobago. ECA: This would be useful, especially for workers on the open sea deciding to take matters into their own hands.

United States. In the United States there is a process that allows for a dispute to be resolved in civil court.

USCIB: Such settlement mechanisms should be defined and set forth in the contract of employment.

ICMA. Alternative dispute mechanisms should be considered because the high costs of court litigation can effectively bar workers from this remedy.

The vast majority of States (78) replied that the Convention should provide that every person working on board a fishing vessel should have a written contract or articles of agreement, subject to national laws and regulations. This was necessary for the settlement of disputes and to clarify the rights and responsibilities of all parties. However, many said that their national laws and regulations already set out such a requirement for all workers, including fishers. Some also pointed to the relevant EU requirements (Council Directive 91/533/EEC). A few noted that in their countries, particularly for small or artisanal vessels, an oral contract was sufficient. Others said that the requirement for a written contract was only necessary for work on deep-sea vessels. One country stated that the main principle is that the contract enables any claim to be legally enforceable.

Nearly twice as many States (51) opposed possible exemptions as supported them (28). Suggestions for exemptions included: observers, scientists, students (in particular, those working during school holidays or "work weeks"), vessel owners, family members, fishing-vessel captains, directors of enterprises, part-time or seasonal workers, fishers in small-scale, artisanal and coastal fishing, as well as share fishers and those working under a collective agreement covering all employees, and those working on vessels under a certain size (e.g. 20 m) or tonnage (e.g. 20 GT).

The vast majority of States (78) said that persons working on board a fishing vessel should have access to appropriate mechanisms for the settlement of disputes relating to their contracts or articles of agreement. Several States indicated that this could be provided through the mechanisms already available for other workers.

The Office notes that the majority of governments were in favour of a provision calling for fishers to have a written agreement, and that the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector also generally agreed that the standard should provide that there should be a contract, which could be a contract of employment or articles of agreement for employed fishers, or another form of agreement between the fishing vessel owner and share fishers. The provisions in *Points 23 to 26* are a reduced and modified version of provisions in Convention No. 114. In *Point 24(a)* the word “concluded” has been used instead of “signed” to provide additional flexibility. Elements of the fisher’s work agreement (drawn from Convention No. 114, Article 6, with some additions) have been placed in Annex I to lighten the body of the proposed Convention. These provisions have been slightly changed to make it clear that they refer not only to “employed” fishers but to all fishers (including, for example, those paid on the basis of a share of the catch). The reference to the annex in *Point 25* would make it mandatory and an integral part of the Convention. *Point 27* requiring that every fishing vessel carry a list of the fishers on board has been added by the Office, based on the replies received (see also the commentary on Question C10).

B6. ACCOMMODATION AND PROVISIONS ON BOARD FISHING VESSELS

Should the Convention provide that all fishing vessels should have appropriate accommodation and sufficient food and drinking water for the service of the fishing vessel? **Qu. B6(a)**

Affirmative

Governments: 81. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers’ organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen’s Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers’ organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia),

PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Government: 1. Benin.

Comments

Australia. The importance of these matters to OSH is recognized.

Mozambique. In order to provide an appropriate working environment and to prevent health problems.

Qu. B6(b) *If yes, should it provide for the possibility of exempting certain categories of fishing vessels from the requirement concerning accommodation?*

Affirmative

Governments: 50. Algeria, Argentina, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Canada, China, Cuba, Cyprus, Czech Republic, El Salvador, Estonia, Finland, France, Germany, Guatemala, Hungary, India, Islamic Republic of Iran, Italy, Jamaica, Japan, Republic of Korea, Latvia, Lebanon, Malaysia, Mozambique, Myanmar, Namibia, Netherlands, Nicaragua, Norway, Panama, Philippines, Portugal, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Sweden, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada (Canada), UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU

(Republic of Korea), CDT (Morocco), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 29. Australia, Bahrain, Belarus, Burundi, Costa Rica, Croatia, Ecuador, Egypt, Eritrea, Fiji, Greece, Honduras, Iceland, Ireland, Lithuania, Malawi, Mauritius, Mexico, New Zealand, Nigeria, Oman, Romania, Russian Federation, Spain, Switzerland, Syrian Arab Republic, Thailand, Turkey, Venezuela.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: UFAWU-CAW (Canada), PPDIV (Croatia), CSG (Gabon), SLIMAPG (Guinea), FTUS (Lebanon), NUNW (Namibia), NSU/NSF/DNMF (Norway), Federation of Fishing Sector Trade Unions (Portugal), USS (Switzerland), NCTL (Thailand).

Other

Governments: 3. Denmark, Indonesia, Kuwait.

Comments

Australia. "Appropriate accommodation" should be defined to have a wider meaning than just "sleeping accommodation". This would take into account those very small fishing vessels which do not stay at sea overnight and therefore have no requirement for sleeping arrangements.

Burundi. Accommodation is necessary in case of bad weather.

Costa Rica. INS agrees.

Mozambique. Not all fishing vessels perform activities of the same scale. Some vessels require accommodation owing to the nature of their activities, and others do not.

Oman. The Ministry of Agriculture and Fisheries agrees.

If yes, please indicate which fishing vessels could be exempted.

Qu. B6(c)

Several replies indicate that drinking water and food requirements are relevant to all vessels.

Algeria, Bulgaria, CCIAB (Lebanon), CNS Cartel Alfa (Romania), ZCTU (Zimbabwe) suggest exempting small vessels spending short periods at sea. *Algeria, Brazil, Canada, El*

Salvador, Jamaica, Mozambique, Saint Vincent and the Grenadines, Serbia and Montenegro propose exempting artisanal or small-scale vessels.

Argentina, Austria, Belgium, CCE (Belgium), Brazil, CGT (Brazil), Bulgaria, Czech Republic, GTUWA (Egypt), ESA/Estonian Fishermen's Association, Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), Saudi Arabia, SWTUF (Sudan), Sweden, United States, EMCOZ (Zimbabwe) suggest vessels remaining at sea for less than one day or less than 24 hours could be exempted. *Canada, CAW-Canada (Canada), France, Namibia, ICMA and ICSF* suggest exempting vessels operating only during the day. *Hungary* suggested 11 hours. *Japan* said a short period of time.

Many replies suggest exempting vessels according to operating area. *Brazil, China, Costa Rica, Cyprus, COHEP (Honduras), AGCI PESCA (Italy), National Board of Fisheries, LEC (Latvia), CCIAS (Lebanon), Malaysia, Netherlands, PVIS (Netherlands), APOM (Panama), Trinidad and Tobago* suggest vessels in operating area "C"; *Benin, Brazil, Costa Rica, Cyprus, MEDEF (France), Guatemala, COHEP (Honduras), AGCI PESCA (Italy), National Board of Fisheries, LEC (Latvia), CCIAS (Lebanon), CDT (Morocco), Netherlands, PVIS (Netherlands), APOM (Panama), Philippines, Qatar, UFFC (Sri Lanka), Sweden* propose vessels in operating area "D"; and *Benin, Brazil, Cyprus, Estonia, Guatemala, COHEP (Honduras), AGCI PESCA (Italy), National Board of Fisheries, LEC (Latvia), CCIAS (Lebanon), CDT (Morocco), Myanmar, Netherlands, PVIS (Netherlands), APOM (Panama), Philippines, Qatar, UFFC (Sri Lanka)* suggest operating area "E". *Germany, Islamic Republic of Iran, Italy, Tunisia, Ukraine* suggest that coastal vessels could be exempted.

A number of replies suggest size as a determining factor: for example, *Denmark* points out that the national legislation excluded fishing vessels of less than 15 m, whereby for vessels less than 24 m, deviations may be granted and less severe provisions were stipulated; *El Salvador* suggests excluding artisanal fishing vessels less than 10 m long; *Latvia* and *Confcooperative (Italy)* suggest vessels less than 12 m in length; *NEF (Namibia)* suggests fishing vessels under 20 m in length and of less than 100 GRT; *Panama* notes that, according to the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), fishing vessels of less than 75 GRT should be exempted. *Japan* and *Lebanon* suggest exemptions according to tonnage and length, as well as time at sea.

Finland, United States suggest number of crew as the basis for exemption.

Republic of Korea and *FKSU (Republic of Korea)* indicate that existing vessels could be exempted.

France. Day-fishing vessels and those which for technical reasons do not lend themselves to being fitted with accommodation facilities.

Greece. The Convention should only cover foreign-going fishing vessels.

India. All non-powered day-fishing vessels generally operating in territorial waters.

Ireland. No exemptions should be permitted. Recommendations made by the Fishing Vessel Safety Review Group in 1996 and the Task Force on Training and Employment in 2001 advise that, through legislative changes and the introduction of COC, e.g. for vessels under 17 m, skippers and crew should be encouraged to improve their competence. The Marine Survey Office indicates that exemptions should be made having regard to the age of the vessel, nature and location. The HSA agrees and suggests exemptions for vessels of categories "D" and "E".

Lebanon. FTUS: Vessels operating within their local areas near where fishers live.

Oman: Small fishing vessels under 10 m and fishing vessels only operating for a few hours per day.

Portugal. Fishing vessels in service that cannot be adapted for structural and safety reasons, as any alterations would imply changes to the stability of the vessel and, as a result, to its ability to fulfil its function.

Sierra Leone. SALFU: Small and single-crewed vessels should also be exempted.

Trinidad and Tobago. NATUC: Non-commercial vessels.

United Arab Emirates. Traditional crafts, coastal vessels and leisure or cruise crafts.

United Kingdom. Day boats, small vessels, and some vessels built before certain dates that may not be able to comply retroactively.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), ESA/Estonian Fishermen's Association (Estonia), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom) suggest cases in which the duration of the voyage makes such a requirement redundant, and open-decked vessels.

ICSF. Fishing vessels on short trips and day-fishing operations, as crew accommodation is essential for trips of three days or more.

Nearly all States (81) replied that the Convention should provide that all fishing vessels should have appropriate accommodation and sufficient food and drinking water, although a majority (50 for; 29 against) supported the possibility of exempting certain categories of fishing vessels from the requirement concerning accommodation. Such exemptions could be based on: time at sea (one day or less), the size of the vessel, or area of operation. However, a number of replies indicated that, while there could be exemptions for accommodation, there should not be exemptions to the food and water requirement.

Points 29 to 31 reflect the support by the vast majority of governments for provisions on accommodation and food and drinking water. The Tripartite Meeting of Experts on Labour Standards for the Fishing Sector also expressed support for such a provision. That Meeting called for a listing of the broad objectives concerning accommodation, and details to be included in the non-mandatory part of the instrument in the form of guidance. This would provide guidance to shipbuilders for the construction of fishing vessel accommodation.

Noting that Convention No. 126 has rather detailed requirements, and that Report V (1) indicates that many States have laws or regulations concerning many of the subject areas covered in Convention No. 126, albeit in less detail, the Office has proposed only general provisions in *Points 29 to 31*. However, the Office felt that it was not within its mandate to simply eliminate or convert to guidance the extensive protection provided in Convention No. 126. It has therefore included in Annex II of the Proposed Conclusions a somewhat simplified version of that Convention. In the annex, the Office has removed references to tonnage but has retained references to vessel length, bearing in mind that "gross tonnage" (GT), rather than "gross registered tonnage" (GRT), has become the commonly used means of measuring ships following the coming into force of the International Convention on Tonnage Measurement of Ships, 1969, and that the Office has not identified a means of directly and consistently converting GRT to GT. The Conference may also wish to note that the provisions of

Convention No. 126 are mandatory only for vessels of 24.4 m in length and over (a small percentage of the world fishing fleet) and that for these vessels certain provisions do not apply to vessels which “normally remain away from their home ports for periods of less than 36 hours and in which the crew does not live permanently on board when in port”. Annex II follows the same approach.

In view of the above, the Conference should determine the content of Annex II and decide whether it should be mandatory or recommendatory. The Office proposes that the issue of accommodation might be dealt with by a working group that could be set up by the Conference Committee.⁷

B7. CREWING OF FISHING VESSELS

Qu. B7(a) *Should the Convention provide that States should take measures to ensure that fishing vessels have sufficient and competent crew for safe navigation and fishing operations in accordance with international standards?*

Affirmative

Governments: 79. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of

⁷ Such a working group might also take into account experience gained during the development of the consolidated maritime labour Convention and might also take into account the work under way by the FAO, ILO and IMO to revise the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, Part B, Safety and Health Requirements for the Construction and Equipment of Fishing Vessels.

Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ECOT (Thailand).

Other

Governments: 3. Indonesia, Japan, Thailand.

Comments

Japan. There should be a requirement for sufficient and competent crew with respect to navigation but not as regards fishing operations.

Panama. Training and COC should be revised in order to have a single ILO/IMO overall standard on training, qualifications and shifts for crews on fishing vessels.

If yes, please indicate which fishing vessels could be exempted.

Qu. B7(b)

Australia, SOMU (Argentina), Bahrain, Benin, Brazil, Bulgaria, UFAWU-CAW (Canada), Cuba, Denmark, Estonia, Fiji, France, CSG (Gabon), SLIMAPG (Guinea), Honduras, Hungary, Italy, Confcooperative (Italy), Jamaica, Lebanon, CCIAB (Lebanon), Malawi, Namibia, NUNW (Namibia), PVIS (Netherlands), New Zealand, Nigeria, Norway, Portugal, Romania, CNS Cartel Alfa (Romania), Serbia and Montenegro, Spain, Sweden, NATUC (Trinidad and Tobago), Ukraine, USCIB (United States), Venezuela, ICMA indicate that there should be no exemptions.

Burundi, Costa Rica, Egypt, El Salvador, Finland, Saint Vincent and the Grenadines, United Arab Emirates, ZCTU (Zimbabwe) suggest that artisanal, family or small fishing vessels could be exempted.

China, AGCI PESCA (Italy), Latvia, National Board of Fisheries, LEC (Latvia), Malaysia, Mauritius, CDT (Morocco) suggest exempting vessels in operating area "C"; *Cyprus, Guatemala, COHEP (Honduras), AGCI PESCA (Italy), Latvia, LEC (Latvia), Mauritius, APOM (Panama), Philippines, Qatar, UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), Tunisia* suggest exempting those in operating area "D"; and *Cyprus, Guatemala, COHEP (Honduras), Indonesia, AGCI PESCA (Italy), Latvia, National Board of Fisheries, LEC (Latvia), CCIAS (Lebanon), Mauritius, Oman, APOM (Panama), Philippines, Qatar, UFFC (Sri Lanka), NCTL (Thailand)* indicate those in operating area "E".

Myanmar suggests exempting inland fishing vessels, while *Islamic Republic of Iran*, *FKSU* (Republic of Korea), *Mexico*, *Switzerland*, *United Arab Emirates* propose coastal vessels. *CGT* (Brazil) suggests fishing vessels with a small navigational range.

Size was the determining factor for several countries: *Japan* suggests exemptions according to tonnage; *Republic of Korea*, *FKSU* (Republic of Korea) suggest vessels of less than 24 m in length; the Ministry of Agriculture and Fisheries of *Oman* suggests excluding small fishing vessels under 10 m in length; and the *United Kingdom* suggests fishing vessels under 15 m.

Argentina. *CAPeCA/CALAPA/CAPA*: It is for the maritime authority to determine the crew for safe navigation and for the owner to determine the crew for fishing operations.

Australia. In a commercial maritime environment, there should be no exemptions with regard to competency requirements for the purpose of safe navigation. Since some legislation limits the use of crew for fishing, in an attempt to protect the fishery and stop over-fishing, any provisions in the new instruments should bear this in mind, so as not to conflict with it.

Brazil. No vessel should be exempted from having a document issued by the national maritime authority determining minimum safety crewing levels.

Denmark. In principle there should always be a certified master on board regardless of the vessel's size. The training requirements should of course take into account the vessel's size and operating area. The Convention should refer to the *STCW-F* Convention.

Greece. The provision should only cover crew whose duties relate to safe navigation, not fishing, since this is an economic activity.

Ireland. Knowledge and skill level should be appropriate to vessel function and area.

Mozambique. Large fishing vessels that carry out large-scale activities.

Norway. It is the flag State's responsibility to have legislation requiring the owners to ensure that all vessels within in its jurisdiction are sufficiently manned with competent crews. However, particularities with regard to the many types and sizes of vessels, areas of operation and time spent at sea are so varied that it is impossible to set uniform standards. An international attempt to regulate manning in detail would be a major obstacle to ratification. Thus, the Convention should not have regulations other than the general provision in Question B7(a). Moreover, if a sufficient manning level is set, it will become very difficult to strengthen the manning of vessels, as the minimum tends to become the maximum. Finally, the matter should be seen in relation to hours of rest and accident prevention regulations, including risk assessment.

Russian Federation and *RPRRKh* (Russian Federation): Fishing vessels with an engine under 80 horsepower.

Saudi Arabia. Small traditional vessels spending not more than one day at sea.

Thailand. *ECOT*: This should be left to the jurisdiction of the vessel, but guidance might be useful.

United Arab Emirates. Small vessels, sports fishing vessels or leisure craft, research or fisheries protection vessels and coastal fishing vessels.

United States. Standards should be developed based on a vessel's size, route, and number of crew. The number of requirements should decrease as a vessel gets smaller and operates closer to shore.

View shared by several workers' organizations: *CCUOMM*, *CGT*, *UMAFLUP* (Argentina), *UNIMPESCOL* (Colombia), *PPDIV* (Croatia), *SiD* (Denmark), *Estonian Water Trans-*

port Workers Federation (Estonia), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), SALFU (Sierra Leone), SWTUF (Sudan), TUC (United Kingdom): Small and single-manned vessels.

ICSF. Out-powered and non-mechanized fishing vessels, and those undertaking shorter trips or day-fishing operations.

Nearly all States (79) agreed that mandatory provisions should require that fishing vessels have sufficient and competent crew for safe navigation and fishing operations. Suggested exemptions included small vessels (by length or tonnage), artisanal vessels, family fishing vessels, those operating in rivers or inland waters, those operating within 3 miles of the baseline, and those operating out to the limits of the territorial sea, small and single-crewed vessels and vessels on short or one-day trips. Several States opposed all exemptions.

In view of the overwhelmingly positive response to Question B7(a), and bearing in mind the views expressed at the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector, the Office has drafted the provision as it now appears in *Point 21*. This provision places responsibility directly on the fishing vessel owner but would not be overly prescriptive.

B8. HOURS OF REST

Should the Convention provide that persons working on board fishing vessels should have minimum periods of rest established in accordance with national laws and regulations? **Qu. B8(a)**

Affirmative

Governments: 79. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 2. Australia, Saudi Arabia.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), USCIB (United States).

Other

Government: 1. Costa Rica

Workers' organizations: FTUS (Lebanon), APOM (Panama).

Comments

Algeria, UFAWU-CAW (Canada), SLIMAP (Guinea), Indonesia, Ireland, Lebanon, Malawi, Malaysia, Mozambique, Nigeria, Spain, Trinidad and Tobago, TUC (United Kingdom), Venezuela, ICMA and IMHA indicate that this is important given the impact of fatigue on health and safety, particularly as concerns safety of navigation. Several workers' organizations – CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom) – also point out that fatigue is a significant causal factor in the high level of casualties and occupational accidents.

Canada, CAW-Canada (Canada), EFE (Eritrea), COHEP (Honduras), Jamaica, Japan, FTUS (Lebanon), SWTUF (Sudan), Tunisia, United States generally point out that guidance would have to vary for a number of reasons (e.g. the difficulty of work at sea, weather, duration of the fishing season, type of fishing operation, vessel's route, size, tonnage, time at sea, or number of persons on board). Flexibility or exemptions are therefore required.

Denmark, Ireland, Netherlands, PVIS (Netherlands), Norway, United Kingdom all draw attention to EU Directive 2000/34/EC,⁸ noting that the ILO standard should not conflict with its provisions. *Denmark* and *Italy* also refer to Convention No. 180. *New Zealand* suggests that such provisions should be aligned with the STCW-F Convention.

⁸ See Annex II to this report.

APOM (Panama) and *Qatar* note that these issues were set out in employment contracts, and *India* states that the minimum period of rest can be decided by the company or master.

Russian Federation, RPRRKh (Russian Federation), NUNW (Namibia) said that there should be not less than eight hours of rest per day or 24-hour period.

Argentina. There should be an average of 48 hours of work per week over a 12-month period. Rest hours should not be divided into more than two segments, and one of those segments should last at least six hours.

Australia. If such a provision is included, it should be qualified by “as appropriate”, given that not all fishing vessels necessarily work long hours, and not all fishing personnel have the same abilities. While fatigue can be a risk factor on fishing vessels, especially those undertaking long trips, it should be addressed by the general OSH duty of care.

Bahrain. Depending on the period spent at sea, the minimum period of rest should be in days if it is a long voyage, and in hours if it is a day trip.

Burundi. The rest period should be two days a week for the various types of fishing (traditional, artisanal, semi-industrial).

Costa Rica. INS agrees and states that the workday should not exceed 12 hours with a one-and-a-half hour break for meals.

Estonia. The minimum periods of rest should be similar to those of other categories of worker, taking differences into account.

Fiji. Refers to the question of monitoring.

Japan. JSU: Hours of rest should not be so excessive that they hinder operations.

Republic of Korea. Hours of work should be limited to 12 hours. Minimum rest periods should comprise at least six consecutive hours in every 24-hour period.

Morocco. CDT: This should be done according to labour legislation applicable to other sectors. The right to leave should take into account the specificity of the sector concerned.

Namibia. Suggests a maximum of 11 working hours.

NEF: A specific number of total and consecutive rest hours should be provided within a 48-hour period.

Oman. Eight working hours, with a 30-minute break every six working hours.

Philippines. See comment under Question C7(b).

Portugal. In Portugal daily rest during fishing work can be no less than eight hours, six of which must be consecutive. Minors have longer rest periods. All seafarers are entitled to one day of rest per week, in principle on Sunday; for each rest day spent at sea they are entitled to one day off, following their arrival in port or added to their leave. They can even be allowed to take an additional half or full day of rest.

Saudi Arabia. Compulsory rest periods would not be appropriate, as this type of activity differs from shore employment owing to considerations concerning the fishing season, areas where fishing is allowed, or duration of the vessel’s fishing licence.

Sri Lanka. UFFC: Note should be taken of the rest periods between fishing trips excluding re-equipping and maintenance of the vessel.

United Arab Emirates. Fishermen should have ten hours’ rest per day, divided into two parts, during fishing periods.

United States. USCIB: The nature of fishing often requires that individuals work non-standard hours when fish are located and/or landed. Larger fishing operations generally have enough workers on hand to accommodate scheduled breaks, but mid-sized and smaller operations often must react to the resource availability.

ICMA. As crews are usually paid on the share system, they are motivated to work far beyond safe limits. There should therefore be established minimum hours of rest and maximum hours of work, the limits of which are based on fatigue considerations. For example, there could be a maximum period of work in any 24 hours and rest periods between hauls.

ICSF. Provided that these are fishing operations that do not permit any respite (e.g. longlining, trawling, etc.).

Nearly all States (79) agreed that the Convention should provide for minimum periods of rest established in accordance with national laws and regulations to combat excessive fatigue and for general health reasons. However, there were differing views on possible specific requirements. Reference was made to EU Directive 2000/34/EC, the STCW-F Convention and Convention No. 180.

In the light of the overwhelmingly positive response to this question, and bearing in mind views expressed at the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector, the Office has proposed a provision in *Point 22*, under the heading “manning and hours of rest”, which places on the fishing vessel owner the responsibility for ensuring the crew receives sufficient rest to enable them to perform their duties under safe and healthy conditions.

B9. OCCUPATIONAL SAFETY AND HEALTH

Qu. B9(a) *Should the Convention provide that persons working on board fishing vessels should be covered by occupational safety and health provisions?*

Affirmative

Governments: 80. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Hon-

aturas), LEC (Latvia), CCIAB (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Employers' organization: CCIAS (Lebanon).

Other

Governments: 2. Costa Rica, Syrian Arab Republic.

Comments

Argentina, Burundi, Costa Rica, PPDIV (Croatia), Egypt, Eritrea, Fiji, Mozambique, Oman, Portugal, Saudi Arabia, Spain, United Arab Emirates, Zimbabwe comment on the hazards or risks in the fishing sector and the importance of addressing those risks. Several workers' organizations – CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom) – point out that this is essential for the fishing industry, which the ILO has designated as a hazardous industry.

Australia, Mexico note that OSH laws and regulations for other workers applied to fishers. Australia also states that the new instruments should take into account the Occupational Safety and Health Convention, 1981 (No. 155).

Argentina. CAPeCA/CALAPA/CAPA: The general OSH system in force should be applied to all workers, with specific provisions for fishing, taking into account its specific characteristics.

Bahrain. Fishing personnel should be acquainted with sea conditions and should master swimming.

Bangladesh. Provisions on treatment and compensation should be included in national legislation.

Brazil. The instrument should provide for the use of individual and collective protective equipment, and contain other provisions on accident prevention, maintenance of vessels and rescue equipment.

Canada. UFAWU-CAW: There should be shore-based employee representatives.

Denmark. Denmark has adopted both specific provisions concerning the occupational safety and health of fishermen and maritime OSH provisions and action plans applicable to fishermen. As part of the implementation of Council Directive 93/103/EC,⁹ it established a Fisheries Occupational Health Council.

Honduras. COHEP is concerned about artisanal fishermen who, in some cases, do not pay social security contributions and do not operate within the minimum safety conditions.

Jamaica. Standards should vary according to the type of fishing performed.

Japan. Fishing workers should be protected in the same way as workers on board commercial vessels. It is appropriate to stipulate minimum provisions in the Convention and details in the Recommendation so that each State might take measures flexibly according to its OSH situation.

Lebanon. Some requirements need to be mentioned in the Convention, such as the provision of protective clothing and shoes, while details can be included in the Recommendation.

CCIAS: Such a provision would make the work of the crew more complicated, and it would be difficult to follow up on its implementation.

Malaysia. Owner-operated fishing vessels should be excluded.

Netherlands. This requirement should be in line with Council Directives 93/103/EC and 97/70/EC (cf. Commission Directive 1999/19/EC).¹⁰

Russian Federation. It should cover all members of the crew without any exceptions.

Sri Lanka. UFFC: Vessels of categories “D” and “E” should be exempt.

ICMA. OSH provisions should not erode fishers’ existing rights to maintenance and cure, in other words entitlement to medical care should not be limited to occupational injuries and illnesses.

ICSF. Agrees, depending on the nature of the fishing operations and type of fishing grounds.

IMHA. National regulations should not exclude the maritime industry or small vessels from some regulations, e.g. preventive measures for those exposed to noise, minimum standards of accommodation, food and sanitation, possibility of inspection in ports, construction of ships, safety equipment, etc.

Qu. B9(b) *If applicable provisions do not at present cover work on board fishing vessels, should such protection be provided through one of the following means:*

Extension of general occupational safety and health provisions

Governments: 8. Algeria, Austria, Cuba, Hungary, Indonesia, Mexico, United Arab Emirates, Zimbabwe.

⁹ See Annex II to this report.

¹⁰ See Annex II to this report.

Employers' organizations: NEF (Namibia), ECOT (Thailand).

Workers' organizations: CGT, SOMU, UMAFLUP (Argentina), CSG (Gabon), NSU/NSF/DNMF (Norway), Federation of Fishing Sector Trade Unions (Portugal).

Extension of maritime occupational safety and health provisions

Governments: 13. Estonia, Hungary, India, Indonesia, Italy, Lebanon, New Zealand, Nigeria, Norway, Qatar, Panama, Switzerland, Turkey.

Employers' organization: ECOT (Thailand).

Workers' organizations: CGT, SOMU, UMAFLUP (Argentina), Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), ASI (Iceland), NUNW (Namibia), NATUC (Trinidad and Tobago).

Other: ICMA.

Specific provisions for work on board fishing vessels

Governments: 24. Argentina, Bangladesh, Brazil, Burundi, Cuba, Cyprus, Eritrea, France, Guatemala, Iceland, India, Indonesia, Jamaica, Republic of Korea, Lebanon, Mozambique, Netherlands, New Zealand, Nigeria, Romania, Spain, Syrian Arab Republic, Thailand, Trinidad and Tobago.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), CCIAB, CCIAS (Lebanon), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), NCTL (Thailand), TUC (United Kingdom).

Others: PVIS (Netherlands), ICSF.

Combination of any of the above

Governments: 57. Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bulgaria, Canada, China, Croatia, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Malawi, Mauritius, Myanmar, New Zealand, Nicaragua, Nigeria, Oman, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Sweden, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United States, Venezuela.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras),

CCIAB (Lebanon), ECOT (Thailand), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), USS (Switzerland), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy).

Comments

Belgium, Egypt, Eritrea, Gabon, Jamaica note the importance of having at least certain provisions that address the specific OSH issues in the fishing sector.

Argentina. There should be state inspectors who are highly qualified in the subject.

CCUOMM: The provisions should be at least of the same level as those for maritime labour.

SOMU: While labour legislation is normally general in nature, specific provisions should be included relating to fishing and maritime work and aligned with existing maritime and fishing standards.

Australia. It would be inappropriate for an ILO standard to prescribe what OSH provisions should apply to fishing vessels.

Costa Rica. INS agrees with a combination of any of the above and points out that Costa Rica has ratified ILO Conventions Nos. 16, 112, 113 and 114, as well as the Accommodation of Crews Convention (Revised), 1949 (No. 92), the Dock Work Convention, 1973 (No. 137), and the Continuity of Employment (Seafarers) Convention, 1976 (No. 145), all of which, in one way or another, have to do with work at sea.

Cuba. This can be done through collective agreements.

Honduras. COHEP: The general OSH regulations should be applied, with adjustments in special regulations referring to maritime work (shipboard personnel), as well as provisions dealing only with work on board fishing vessels, given their specific characteristics.

India. Separate provisions should be set out because protection must be location-specific and vessel-specific.

Japan. General or maritime OSH provisions should apply to fishing vessels of certain categories.

Lebanon. This might be done through guidelines.

Malawi. In order not to leave any loophole that unscrupulous employers might use to exploit workers.

Norway. All workers in the fishing sector are covered by the Norwegian regulations on the working environment, safety and health. These are the same as for seafarers and are applicable on all Norwegian-registered ships.

Saudi Arabia. Given the dual nature of work in local fisheries (artisanal and industrial), it would be necessary to establish two separate sets of OSH rules, with due regard to each sector's elements, equipment and working conditions.

Spain. The specificity of the fishing sector is so important that it certainly requires special treatment, while the intent of simply transferring the standard safety provisions to it seems insufficient and unsatisfactory.

United Kingdom. The majority of the maritime OSH provisions already apply to workers on United Kingdom fishing vessels.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): The special nature of the industry should be taken into account through provisions relating specifically to fishing vessels. These should, at least, be of the same standard as on shore.

Nearly all States (80) agreed that the Convention should provide that persons working on board fishing vessels should be covered by occupational safety and health provisions in view of the hazardous nature of fishing, high injury and fatality rate in the sector. The majority (57) agreed that this could be achieved through a combination of extension of general occupational safety and health provisions and maritime occupational safety and health provisions for fishing and, most importantly, specific provisions for work on board fishing vessels. A few States said that the Convention should be in line with EU requirements, in particular Council Directives 93/103/EC and 97/70/EC. Attention was also drawn to the Occupational Safety and Health Convention, 1981 (No. 155). Some States called for exclusions for work on certain vessels (e.g. within 3 miles of the baseline or in inland waters) but most wanted occupational safety and health provisions to apply to all vessels.

As the vast majority of governments replied affirmatively to Question B9(a), the Office has proposed the provision in *Point 34*, which aims to ensure that Members take action on the main elements of occupational safety and health. Further guidance on this issue is provided in the Proposed Conclusions with a view to a Recommendation.

B10. SOCIAL SECURITY

Should the Convention provide that persons working on board fishing vessels should be entitled to social security benefits applicable to other workers? **Qu. B10(a)**

Affirmative

Governments: 77. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Cyprus,

Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 3. Benin, Kuwait, Thailand.

Employer's organizations: Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway).

Other

Governments: 2. Costa Rica, Trinidad and Tobago.

Comments

Bahrain, Benin, Costa Rica, Egypt, Eritrea, India, Mauritius, Mozambique, Saint Vincent and the Grenadines, Spain, Tunisia generally note the importance of providing such coverage in view of the nature or hazards of the occupation. NCTL (Thailand) indicates that there should be social security benefits in case of injury or death.

Finland, Mexico, Oman, NEF (Namibia), Netherlands, ICMA indicate that protection for fishers should be in line with that afforded to other workers.

Ireland, Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), Qatar, United Arab Emirates note that because fishers are often considered as self-employed (owing to the catch-sharing system), they may be excluded from certain benefits.

Spain and Thailand note that some benefits for fishers would require a specific method of processing, e.g. unemployment, old-age, employment injury and survivors' benefit.

Australia. Publicly funded social security benefits are not available to persons who have a temporary entry visa. There could be a generic provision concerning social security. However, the standard should not conflict with the Social Security (Minimum Standards) Convention, 1952 (No. 102).

Denmark. The Convention should clearly indicate the responsibilities of the flag State and the State of domicile.

France. The Convention should provide the same degree of protection as that provided to other seafarers.

MEDEF: Provided that there could nevertheless be a specific social security regime.

Honduras. COHEP: Agrees with regard to basic benefits, but the specific characteristics of fishing and its different forms should be considered.

Japan. Due account should be taken of the specificity of the fishing sector; for example, as workers on board fishing vessels not operating all year round are expected to be unemployed for certain periods during the year, it is not appropriate to apply unemployment benefit in the same manner as for ordinary workers.

Kuwait. In Kuwait, certain laws are restricted to nationals only.

Lebanon. The social security rights of seafarers are laid down in the Seafarers' Pensions Convention, 1946 (No. 71), and Convention No. 147, among others.

Namibia. All workers should be covered by social security, regardless of nationality.

Norway. Norway has a special system for fishermen regarding social security, financed by a "product fee". While it supports international efforts to extend social security benefits to fishers, the method of financing such benefits should be left to national legislation.

Panama. With regard to foreign crew working on Panamanian vessels, it is the owner's responsibility to provide the crew with private social security cover (P&I Clubs).

Russian Federation. The Convention should include a provision on social security for crew members of vessels registered on a second register or leased by foreign shipowners/employers.

Switzerland. This country has specific provisions for fishers on the high seas, which are included in bilateral social security conventions applying only to nationals of Switzerland and the contracting State.

United Kingdom. United Kingdom resident fishermen categorized as employed persons in the national legislation should have the same protection as employed workers in other sectors, and those categorized as share-fishermen or self-employed workers should have the same protection as self-employed persons working in the territory. United Kingdom share-fishermen are also covered for an unemployment benefit that is not generally available to other self-employed persons.

TUC: Protection should be provided to share-fishermen, particularly as concerns injury benefits.

United States. USCIB: The Convention should not mandate any social security benefits for fishing workers that are not otherwise provided to other workers in accordance with national law and practice. Moreover, fishing workers must meet the same eligibility requirements as other workers in the national system.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone): To do otherwise would be discriminatory against a group of especially vulnerable workers.

ICSF. In Kerala, India, fishermen are entitled to social security, while other workers (with a few exceptions) are not. It is therefore important to protect existing social security measures for the fishing sector.

Qu. B10(b) *Should the Convention provide that such benefits might be progressively extended?*

Affirmative

Governments: 61. Algeria, Argentina, Australia, Bangladesh, Belarus, Belgium, Benin, Burundi, Canada, China, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Fiji, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Islamic Republic of Iran, Ireland, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Oman, Panama, Philippines, Portugal, Romania, Russian Federation, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), CCIAS (Lebanon), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), PPDIV (Croatia), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), SLIMAPG (Guinea), ASI (Iceland), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA (Italy), ICSF.

Negative

Governments: 16. Bahrain, Brazil, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Iceland, Italy, Mexico, Netherlands, Nigeria, Qatar, Saint Vincent and the Grenadines, Sweden, Thailand.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), COHEP (Honduras), LEC (Latvia), CCIAB (Lebanon), NEF (Namibia), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway).

Workers' organizations: CCUOMM (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), NSU/NSF/DNMF (Norway), APOM (Panama), PSU (Poland), Federation of Fishing Sector Trade Unions (Portugal), SALFU (Sierra Leone), NCTL (Thailand), TUC (United Kingdom).

Others: Confcooperative (Italy), PVIS (Netherlands), ICMA.

Other

Governments: 5. Austria, Costa Rica, Norway, Trinidad and Tobago, United Kingdom.

Employers' organization: MEDEF (France).

Comments

CCUOMM (Argentina), *Bahrain*, *Burundi* refer to the need to provide benefits in the event of unemployment due to fisheries management decisions or new technology.

El Salvador and *India* indicate that such a provision is important to make progress with regard to artisanal or small-scale fishers.

Argentina. Benefits should be universal and equal for all activities.

CCUOMM: Particular consideration should be given to the possibility of accessing retirement and/or pension benefits at an earlier age.

Australia. However, it should not be mandatory to do so.

Finland. Those persons should automatically have the right to the same protection as any other workers, while these rights should not exceed those of other groups in the framework of statutory social security.

France. In order to take into account the situation of the least developed countries in the area of social security, the Convention should provide for the progressive extension of benefits and protection with regard to the different risks and branches, beginning with maritime occupational injuries.

Gabon. CSG: The Convention should provide for States to ensure that there is no discrimination with regard to social security provision between workers, including seafarers.

Honduras. COHEP: The characteristics and possibilities of each country need to be considered.

Latvia. The National Board of Fisheries disagrees.

Malawi. In order to include new elements arising from the work relationship, e.g. issues related to HIV/AIDS.

Norway. The use of the term "progressive extension" is less than clear. It is essential that fishermen know their coverage at all times and that the benefits be administered in a fair and effective manner.

Oman. If these benefits could not be provided all at once, they might be progressively applied until the highest possible level is achieved, depending on the wishes and circumstances of the ratifying State.

Panama. Provided that they are classified as seafarers working on fishing vessels.

Philippines. The grant of ideal wages, benefits and other emoluments to workers on fishing vessels in general is dependent on the level of industrial development of the flag State or on the owner.

Sweden. Issues concerning coverage and scope of social security should preferably be regulated in social security Conventions.

Tunisia. This is necessary given the differences between different categories of fishermen and their ability to pay social protection contributions.

United Kingdom. The term “progressive extension” is not clear. There should not be a limited range of benefits available to workers just because they fall into the category of either fishermen or share-fishermen.

TUC: Progressive extension would be predicated either on an initial stage of coverage of a limited section or sections of the workforce in the industry, or on limited universal coverage which should then be extended. The first would run counter and the second could run counter to the need for basic social security coverage of all workers as an essential component of decent work.

Views shared by several workers’ organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), TUC (United Kingdom): Given the nature of the fishing industry, there are good reasons to increase benefits over and above those provided for shore workers, in other words to positively discriminate because of the hazardous nature of the industry.

ICMA. All should be covered from the outset.

ICSF. Best national practices should be taken into account.

Qu. B10(c) *Should the Convention provide for the possible exemption of certain categories of persons working on board fishing vessels?*

Affirmative

Governments: 18. Australia, Cyprus, Estonia, India, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Netherlands, New Zealand, Norway, Portugal, Saudi Arabia, Sweden, Syrian Arab Republic, Ukraine, United States.

Employers’ organizations: ESA/Estonian Fishermen’s Association (Estonia), LEC (Latvia), USCIB (United States).

Workers’ organizations: UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), FKSU (Republic of Korea), PSU (Poland), SALFU (Sierra Leone), UFFC (Sri Lanka).

Others: PVIS (Netherlands), ICMA.

Negative

Governments: 58. Algeria, Argentina, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Latvia, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Oman, Panama, Philippines, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Switzerland, Thailand, Tunisia, Turkey, United Arab Emirates, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), PPDIV (Croatia), SLIMAPG (Guinea), JSU (Japan), FTUS (Lebanon), NUNW (Namibia), NSU/NSF/DNMF (Norway), APOM (Panama), KSM NSZZ Solidarnosc, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium) AGCI PESCA, Confcooperative (Italy), ICSF.

Other

Governments: 6. Austria, Costa Rica, Denmark, Qatar, Trinidad and Tobago, United Kingdom.

Workers' organization: CDT (Morocco).

Comments

Costa Rica. INS disagrees.

France. The Government cannot see any possible exemption. If the persons working on board a fishing vessel take part in its navigation and operation, they are seafarers.

Latvia. The National Board of Fisheries agrees.

United States. USCIB: These should depend on national circumstances and be permitted at the time the country ratifies the Convention.

If yes, which categories of persons might be exempted?

Qu. B10(d)

There were two general groupings of replies to this question: those that referred to the nationality or residence of fishers; and those that referred to the person's position on board the vessel.

Nationality/residence

Republic of Korea, FKSU (Republic of Korea), Lebanon, New Zealand refer to foreign seafarers on flag state vessels.

Norway, Sweden. Persons who are neither nationals nor permanent residents of the ratifying State should be exempted. Such fishermen should be covered by social security schemes in their countries of residence or by a mandatory insurance scheme for the period they are working on board, paid by the owners.

Australia. Non-resident Australians working on fishing vessels would not be eligible for publicly funded social security benefits. However, they would be entitled to those benefits which are part of their employment conditions.

Estonia and ESA/Estonian Fishermen's Association (Estonia). Exemptions may be considered in the following cases: Where workers are covered by social insurance and provided with medical care in their country of residence; or where a social security system does not exist in the country of residence but the person has a private social insurance contract; or where there are different kinds of insurance services in the countries concerned.

Portugal. Workers employed on board foreign fishing vessels, when they are covered by the social security system of the country of origin of the enterprise concerned.

United Kingdom. The United Kingdom would not favour a Member being responsible for the payment of social security benefits to those fishermen or share-fishermen, sailing on its registered vessels, who are neither domiciled nor resident in its territory and therefore not contributors to that country's scheme or system. Nor would it be in favour of a system that would require a member State to collect its social security contributions with a view to being responsible and competent for the payment of any social security benefit entitlement that might derive from them to fishermen resident in the territory of another Member, unless an existing bilateral social security agreement between the member States concerned made specific provision for that on a reciprocal basis.

TUC: While recognizing the complexities of ensuring social security coverage for workers on domestic vessels or of various nationalities working on board vessels flagged in other States and operating in or off that State's waters, or of workers of various nationalities on flagged-out ships, the Convention must aim to ensure fundamental social security coverage to all those working on board fishing vessels.

United States. Exemptions might be based upon immigration status. In the United States, employees authorized to work under certain visa categories, as well as students, are exempted.

ICMA. Foreign non-resident workers who have no practical opportunity to collect social security benefits should not be required to pay into the system.

Position on board

Bahrain, Ireland, Jamaica. Persons in very temporary or casual employment might be exempted.

Argentina. CGT, SOMU, UMAFLUP: Personnel, including those who work on factory fishing vessels, should have a document certifying them as fishermen, complying with all necessary requirements.

France. Scientists and observers not involved in the navigation and operation of the fishing vessel might be exempted.

India. Scientists and other personnel otherwise covered for hazardous work; as well as certified persons working on vessels above 20 m OAL and leased joint-venture vessels.

Japan. Persons whose employment status is the same as that of workers on shore.

Netherlands. Self-employed fishermen and share-fishermen.

PVIS: Self-employed fishermen, if collective private insurance provides for their social security (i.e. at least medical care, sickness and long-term disability benefits).

Portugal. Certain categories of workers whose work on board fishing vessels is not specifically related to actual fishing, as they are already compulsorily covered under the general social security system, irrespective of where they are working.

Saudi Arabia. Trainee students and sons of fishermen working during the holidays.

Sri Lanka. UFFC: Persons on vessels operating in areas “D” and “E”.

United Arab Emirates. Traditional vessels.

Views shared by several workers’ organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone): Personnel engaged on factory vessels for the sole purpose of processing the catch might be exempted.

The vast majority of States (77) agreed that the Convention should provide for entitlement to social security benefits applicable to other workers. Health coverage was important for fishing, given the inherent risks of the sector. It was pointed out that social security benefits would have to take into account the specific nature of fishing. Some said that fishers should have the same protection as seafarers. Four States noted that share-fishers were treated similarly to self-employed workers. A number of workers’ organizations said that to deny fishers the same protection as other workers would be discriminatory.

A majority of States (61) agreed that benefits might be progressively extended, for instance based on risks and beginning with protection in case of maritime occupational injuries. It was also suggested that fishers should know what coverage they have and that benefits should be administered in a fair and effective manner. Some respondents felt that coverage should be provided immediately and universally.

The majority of States (58) opposed the exemption of certain categories of fishers. However, exemptions were suggested for: scientists and observers, persons in temporary or casual employment, persons whose employment status is the same as that of workers on shore, self-employed or share fishers, self-employed fishers covered by collective private insurance, or persons engaged on factory vessels for the sole purpose of processing the catch. Some States wished to exempt persons who are neither nationals nor permanent residents; however, others, and several workers’ organizations, indicated the importance of covering foreign fishers on flag state vessels.

Social security

Point 35 reflects the strong support for inclusion of a provision to ensure that fishers are entitled to social security protection on conditions no less favourable than those applicable to other workers. *Point 36* addresses the issue of social security

protection for non-national fishers. With regard to Question B10(b), the Office notes that the provisions concerning progressive extension included in *Point 8* would also apply to social security protection.

Protection in the case of work-related sickness, injury, or death

Bearing in mind the fatality and injury rates in the fishing sector, the Office has created a separate set of provisions on the issue of protection in the event of work-related sickness, injury, or death. *Point 37* provides that each Member should take measures to provide such protection. *Point 38* provides some flexibility as to how this could be ensured: either through a system of fishing vessel owners' liability or through compulsory insurance, workers' compensation or other schemes.

B11. EXTENSION OF PROTECTION FOR SEAFARERS TO PERSONS WORKING ON BOARD FISHING VESSELS

Qu. B11(a) *Should the Convention provide that persons working on board fishing vessels registered in the State, engaged in fishing operations on the high seas and in the waters of States other than those of the flag State, should generally have labour conditions which are no less favourable than those provided to seafarers working on board vessels registered in the State, engaged in commercial maritime transport?*

Affirmative

Governments: 63. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, China, Croatia, Cuba, Cyprus, Ecuador, Egypt, Eritrea, Estonia, Fiji, Finland, France, Germany, Honduras, Hungary, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland),

Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), ICMA.

Negative

Governments: 12. Denmark, El Salvador, Guatemala, Iceland, India, Japan, Mexico, Myanmar, Namibia, Netherlands, Oman, Tunisia.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), CCIAS (Lebanon), USCIB (United States).

Workers' organizations: SLIMAPG (Guinea), NUNW (Namibia), NCTL (Thailand).

Others: Confcooperative (Italy), ICSF.

Other

Governments: 7. Canada, Costa Rica, Czech Republic, Greece, Mozambique, Portugal, United States.

Employers' organization: LEC (Latvia).

Workers' organization: ZCTU (Zimbabwe).

Comments

Costa Rica. INS agrees.

France. MEDEF: Given the special nature of the work of fishermen, there should be specific regulations separate from those for maritime transport.

Greece. A more precise definition of the meaning of "labour conditions" is needed, since fishing vessels form a special category within maritime transport in general.

Ireland. The Marine Survey Office disagrees and indicates that the comparison between commercial transport and fishing is tenable but not to a great extent.

Japan. For persons working on board fishing vessels registered in a State and engaged in fishing operations on the high seas or in the waters of States other than the flag State, it is difficult to grant labour conditions equivalent to those in commercial maritime transport because of the peculiarity of fishing.

Oman. The Ministry of Agriculture and Fisheries agrees.

United States. USCIB: Workers on board commercial transport vessels will have duties and conditions which are quite dissimilar to those serving aboard fishing vessels. It is not possible to provide them with comparable conditions. The term "less favourable" is too vague.

Qu. B11(b) *If yes, should such a provision cover persons working on board other fishing vessels?*

Affirmative

Governments: 50. Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Burundi, China, Croatia, Cuba, Cyprus, Ecuador, Fiji, France, Honduras, Hungary, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Kuwait, Latvia, Lithuania, Malaysia, Mauritius, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), ECOT (Thailand), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FTUS (Lebanon), CDT (Morocco), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), USS (Switzerland), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), ICMA.

Negative

Governments: 16. Bahrain, Bangladesh, Bulgaria, Egypt, Eritrea, Estonia, Germany, Republic of Korea, Lebanon, Malawi, Myanmar, Namibia, Qatar, Syrian Arab Republic, Tunisia, Turkey.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), CCIAB (Lebanon), NEF (Namibia).

Workers' organizations: FKSU (Republic of Korea), CNS Cartel Alfa (Romania), SWTUF (Sudan), NCTL (Thailand).

Other

Governments: 16. Canada, Costa Rica, Czech Republic, Denmark, El Salvador, Finland, Greece, Guatemala, Iceland, Japan, Mexico, Mozambique, Netherlands, Oman, Portugal, United States.

Employers' organizations: MEDEF (France), LEC (Latvia), CCIAS (Lebanon), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: GTUWA (Egypt), NUNW (Namibia), ZCTU (Zimbabwe).

Comments

Costa Rica. INS agrees.

Ireland. HSA disagrees.

Oman. The Ministry of Agriculture and Fisheries agrees.

If yes, please indicate the persons working on board other fishing vessels to whom the above provision should apply (e.g. those working on vessels of a certain length, vessels intended for fishing in a certain area of operation, vessels remaining at sea for a specified period of time). **Qu. B11(c)**

Algeria, Australia, Burundi, PPDIV (Croatia), Cyprus, Honduras, COHEP (Honduras), Latvia, Nigeria, APOM (Panama), Romania, Russian Federation, UFFC (Sri Lanka), Serbia and Montenegro, Switzerland, Ukraine mention time at sea as a basis for applying such a provision. The suggestions range from one day at sea to 30 days at sea.

Algeria, Burundi, PPDIV (Croatia), Islamic Republic of Iran, Malaysia, Sri Lanka suggest length or tonnage (10 m, 24 m or 30 m and 70 GT).

Bahrain, Belgium, CCE (Belgium), Benin, CGT (Brazil), UFAWU-CAW (Canada), Croatia, Ecuador, GTUWA (Egypt), Fiji, CSG (Gabon), ASI (Iceland), Ireland, Italy, Japan, Mauritius, Namibia, Oman, ZZMiR (Poland), United Kingdom, TUC (United Kingdom), Venezuela, ICMA indicate that the provision should apply to all persons working on board fishing vessels. *SLIMAPG (Guinea)* states all persons working in salt waters and on the high seas. *Norway and Sweden* suggest, more specifically, everyone working on a vessel covered by the Convention that comes under the jurisdiction of a flag State which has ratified the Convention, or visits the port of a Member which has ratified the Convention. *Spain* states that it should apply to all vessels operating in the territorial waters or EEZ of another State.

Burundi, Latvia, Nigeria, Serbia and Montenegro, Spain, ECOT (Thailand) indicate that operating area could be the basis.

Brazil. Fishermen of the coastal State who work on board foreign fishing vessels leased by local enterprises.

Estonia. ESA/Estonian Fishermen's Association: If the fishing vessel does not call at a foreign port, it would be very difficult to apply the above provision.

Indonesia. Persons working on fish transport vessels (cargoes) which move from fishing ground to fishing port or from fishing port to fishing port.

Jamaica. The different types of fisheries should be taken into account.

New Zealand. All vessels operating in domestic waters. Given the potential variations between conditions appropriate on commercial vessels and those feasible on many fishing vessels, factors such as duration of trip and size should be taken into account.

Saudi Arabia. Fishers operating on industrial fleets.

Sudan. SWTUF: Skippers, navigators and engineers might be subject to specific rules.

United Arab Emirates. Fishermen, seafarers, skippers, engineers, etc.

Views shared by several workers' organizations: CCUOMM, CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM

NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone): All workers are entitled to some of the basic rights, while other measures may only be relevant to vessels in certain areas of operation, etc.

Qu. B11(d) *Should the Convention contain provisions on the following issues:*

Recruitment and placement

Governments: 61. Algeria, Argentina, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, China, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Eritrea, France, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Republic of Korea, Kuwait, Latvia, Lithuania, Malawi, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), ECOT (Thailand).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/ Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICSF.

Identity documents

Governments: 62. Algeria, Argentina, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, China, Costa Rica, Croatia, Cuba, Ecuador, Egypt, El Salvador, Eritrea, Fiji, France, Guatemala, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mozambique, Myanmar, Namibia, Netherlands, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, Zimbabwe.

Employers' organizations: EFE (Eritrea), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICSF.

Repatriation

Governments: 61. Algeria, Argentina, Australia, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, China, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Fiji, France, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malawi, Mauritius, Mozambique, Myanmar, Namibia, Netherlands, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom.

Employers' organizations: EFE (Eritrea), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada (Canada), UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICSF.

Other issues

There were a great number and variety of suggestions for other topics to be dealt with in the standard. The following are items that were suggested that did not appear elsewhere in Part B of

the questionnaire: seafarers' book (*Argentina*), paid leave (CCUOMM (*Argentina*)), alcohol and drugs (CGT, UMAFLUP (*Argentina*)), vocational training (*Cuba, India, Malawi*), life insurance and beneficiaries (CGT, SOMU, UMAFLUP (*Argentina, Egypt*), health insurance (*Oman, Saudi Arabia*), compensation in case of illness or accident (*Algeria, Panama*), remuneration in the event of shipwreck (survival, disability, death) (SLIMAPG (*Guinea, Panama*)), human resource development (*Indonesia*), mandatory grounds for dismissal (*Philippines*), legal guarantees for the payment of remuneration and personal responsibility of the shipowner/ employer of organizations irrespective of form of ownership (*Russian Federation*), joint ventures (*Spain*), arrest of the vessel in cases of non-payment of remuneration (*Syrian Arab Republic*), obligation of employer to prepare employee registration and documents relating to wage payment (*Thailand*), overtime (*United Arab Emirates*), violence (e.g. piracy), temperature and ergonomics (TUC (*United Kingdom*)), definition for family-run enterprise vessels (ICMA), manning, fatigue, noise and vibration (*Argentina, CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone) and TUC (United Kingdom)*).

Norway, Sweden. The consequences of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), should be taken into consideration. Fishermen will need a secure identity document to gain access to ports effectively both at home and abroad, and this is as important to fishermen as to other seafarers.

Australia. Australia does not consider that recruitment and placement of fishery workers is an appropriate subject for international standards. As for identity documents, Australian fishing personnel would rarely land in an overseas port. However, repatriation standards should apply to fishery workers, as appropriate.

Burundi. The provisions on recruitment and placement should draw upon labour legislation, including aspects that are specific to fishing work, e.g. hours worked for a normal wage and those requiring payment of overtime.

Finland. These issues could be dealt with in the Recommendation.

Ireland. The HSA considers that the issues related to identity documents and repatriation should be covered for vessels working in the waters of other States or in international waters.

Japan. If the definition of "recruitment and placement" corresponds to that of the Employment Service Convention, 1948 (No. 88), this issue has been sufficiently dealt with. As for identity documents, the discussion on whether or not to include the issue in the proposed consolidated maritime labour Convention has not yet been finalized.

Republic of Korea. Persons working as ratings on board fishing vessels solely operating in the EEZ of the State should be exempted.

Latvia. The National Board of Fisheries agrees with recruitment and placement and identity documents.

Lebanon. The provisions regarding identity documents and repatriation should apply to vessels operating on the high seas and in international waters and to fishermen whose nationality is other than that of the flag State. The issue of recruitment and placement should be dealt with in the Recommendation.

Namibia. NEF: Repatriation should only be granted in the event that a fisherman is discharged in a port outside the country in which he/she was recruited.

New Zealand. Reference should be made in the Recommendation to the relevant ILO instruments.

Spain. In the era of globalization, it is necessary to set out the conditions of employment and social security of workers employed in joint ventures or enterprises, including flags of convenience, and to consider means of verifying compliance with the legislation.

United States. USCIB: Employers should have a duty to return or arrange the return of workers to the port of hire unless otherwise specifically agreed to and set forth in writing in the fishing contract.

The majority of States (63) indicated that the Convention should provide that persons working on board fishing vessels registered in the State, operating on the high seas and in the waters of States other than the flag State, should generally have labour conditions no less favourable than those provided to seafarers working on board vessels registered in the State, engaged in commercial maritime transport. However, some respondents opposed this, primarily based on differences between commercial maritime transport and fishing operations. A majority of respondents also agreed that the Convention should cover other categories of fishers. Many indicated that protection could depend on time at sea (with replies varying from less than one day to 30 days) or on vessel size (length or tonnage). A large majority of States agreed that the Convention should contain provisions on: recruitment and placement (61), identity documents (62) and repatriation (61). Also suggested for inclusion were many issues covered elsewhere in the questionnaire, as well as a few issues not covered (e.g. grounds for dismissal, human resource development, annual leave, documents related to wages, remuneration in the event of shipwreck).

Taking into account the replies to Question B11(d), the Office has included a provision (in *Point 28*) that fishers working on vessels engaged on international voyages should enjoy treatment no less favourable than that provided to seafarers on ships engaged in commercial activities, with respect to three issues: identity documents,¹¹ repatriation conditions, and recruitment and placement services. The Conference may also wish to consider other issues that could be dealt with under this provision.

B12. ENFORCEMENT

Should the Convention provide that States should adopt measures to verify compliance with the provisions of the Convention?

Qu. B12(a)

Affirmative

Governments: 78. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba,

¹¹ As concerns identity documents, the Conference may wish to recall that the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), provides that "after consulting the representative organizations of fishing-vessel owners and persons working on board fishing vessels, the competent authority may apply the provisions of this Convention to commercial maritime fishing" (Art. 1(3)).

Cyprus, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 2. Malaysia, Saint Vincent and the Grenadines.

Employers' organizations: LEC (Latvia), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway).

Other

Governments: 2. Australia, Czech Republic.

Comments

SOMU (Argentina), *Brazil, Burundi, Costa Rica, Egypt, Japan* noted that inspection would be a means to ensure compliance.

Algeria. The absence of control at the national level is one of the reasons for the inefficiency of enforcement of international conventions.

Argentina. The labour inspectorate is the body responsible for OSH supervision. This primary responsibility cannot be evaded or delegated.

Australia. Include a non-mandatory port state control provision.

Canada. UFAWU-CAW: There should be crew representatives in the regulatory body in order to ensure compliance.

Egypt. The ratifying flag State should verify compliance with the Convention, while the port State carries out inspections to ensure effective implementation.

India. A separate Directorate should be established.

Japan. JSU: Distant-water fishing vessels, which may visit foreign ports, should be inspected by port state control.

Latvia. The National Board of Fisheries disagrees.

Lebanon. The type and nature of these measures should be spelt out.

Malaysia. The adoption of measures to verify compliance with the Convention should be voluntary.

Namibia. The measures to be adopted should be the same as in the STCW Convention and other IMO Conventions.

New Zealand. Such measures would form part of the PSC activities of the contracting party – measures which are not available at present.

Norway. Flag States must ensure that vessels are efficiently controlled, that any documentation and programmes in relation to enforcement clearly identify the areas to be controlled and that any problems are identified. A “Document of compliance” and quality assurance system are essential to ensure both the needed flexibility and the effective and continuous implementation and enforcement of working and living conditions. Fishermen will benefit from such a system, as those responsible for implementation (especially flag States and shipowners) are forced to look at working and living conditions as part of the whole. A stand-alone certificate will only be a snapshot of the conditions at the time of inspection, and the limited resources for inspections worldwide will minimize its effectiveness and place the responsibility on governments and those on board, while it is the owner who should have the main responsibility for implementation. Working and living conditions do not lend themselves well to the current system of certification, which is usually used for more permanent fixtures like steel, nuts and bolts. The certificate issued in a quality assurance system should rather be used for on-board working and living conditions. Furthermore, the Convention must allow the issuance of any certificate and other control and enforcement mechanisms to be delegated, while the flag state administration must maintain the responsibility.

Oman. The measures should consist of adopting national legislation and defining the competent supervisory authority in each State in order to guarantee implementation of the Convention.

Panama. APOM: The flag State should have the leading role as regards compliance with Conventions and Recommendations.

Russian Federation. Verification should be carried out on a daily basis. The Convention should provide for a mechanism whereby the State can carry out coercive measures against the shipowner/employer.

Saint Vincent and the Grenadines. This provision should not be mandatory.

United Kingdom. The main responsibility should rest with the flag State, with provision also for port state control.

TUC: Flag States must also assume their responsibilities.

Views shared by several workers' organizations: CCUOMM, CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): In the case of distant-water fleets or vessels which may visit foreign ports, it is essential that one of the control measures should be PSC, which will require the inclusion of a "no more favourable treatment" clause ("no less favourable treatment" clause).

Qu. B12(b) *If yes, should the Convention provide for the possibility of exempting certain fishing vessels from the above requirements?*

Affirmative

Governments: 27. Bangladesh, Costa Rica, Denmark, Egypt, Finland, Guatemala, Hungary, India, Indonesia, Islamic Republic of Iran, Japan, Republic of Korea, Kuwait, Latvia, Mauritius, Mexico, Myanmar, Norway, Oman, Philippines, Saudi Arabia, Serbia and Montenegro, Syrian Arab Republic, Ukraine, United Arab Emirates, United States, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), NEF (Namibia), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: PVIS (Netherlands), ICSF.

Negative

Governments: 50. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Cyprus, Ecuador, El Salvador, Eritrea, Estonia, Fiji, France, Germany, Greece, Honduras, Iceland, Ireland, Italy, Jamaica, Lithuania, Malawi, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Panama, Portugal, Qatar, Romania, Russian Federation, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, Venezuela.

Employers' organizations: EFE (Eritrea), MEDEF (France), CCIAB, CCIAS (Lebanon), ECOT (Thailand), ECA (Trinidad and Tobago).

Workers' organizations: CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), PPDIV (Croatia), CSG (Gabon), NUNW (Namibia), APOM (Panama), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), USS (Switzerland), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA.

Other

Governments: 5. Czech Republic, Lebanon, Malaysia, Mozambique, Saint Vincent and the Grenadines.

Employers' organization: LEC (Latvia).

Comments

Australia. If a fishing vessel has the facility to land at a foreign port, it should be eligible for inspection by that port authority.

Costa Rica. INS disagrees.

Ireland. The Marine Survey Office agrees.

If yes, please indicate which fishing vessels:

Qu. B12(c)

There were a great number and variety of replies to this question, including: coastal, artisanal, family fishing, vessels spending long periods at sea, vessels of less than 80 tons, small vessels, vessels in operating areas "C", "D" and "E", vessels fishing in fresh water, inland fishing vessels, research vessels, training vessels, survey vessels, vessels of less than 5 tons, vessels less than 12 m in length, near-shore vessels, vessels used in subsistence fishing, leisure craft, sport fishing vessels, amateur fishing vessels, vessels undertaking day-fishing operations or short fishing trips.

United States. Any exemption should be determined based on the size of the vessel, distance from shore, and crew size.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone) and the TUC (United Kingdom): Very small and single-manned vessels. The TUC adds that all efforts should be made to ensure the coverage of such craft, particularly with regard to fundamental principles and rights at work and OSH, including seaworthiness of vessels.

Should the Convention include a provision on port state control?

Qu. B12(d)

Affirmative

Governments: 67. Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba,

El Salvador, Eritrea, Estonia, Fiji, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Latvia, Lebanon, Malawi, Mauritius, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB (Lebanon), NEF (Namibia), ECOT (Thailand), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Negative

Governments: 11. Bahrain, Cyprus, Ecuador, Egypt, Germany, Kuwait, Lithuania, Malaysia, Mexico, Netherlands, Oman.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), ESA/Estonian Fishermen's Association (Estonia), LEC (Latvia), CCIAS (Lebanon), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway), EMCOZ (Zimbabwe).

Other: PVIS (Netherlands).

Other

Governments: 4. Czech Republic, Denmark, Japan, Mozambique.

Employers' organizations: MEDEF (France), USCIB (United States).

Workers' organization: ZCTU (Zimbabwe).

Comments in favour of port state control

Argentina. In order to ensure that the Convention is complied with by all fishing vessels, regardless of the country to which they belong, and to prevent commercial advantage being taken.

SOMU: PSC is essential to prevent discrimination, abuses, exploitation, fatigue, etc.

Brazil. It is important to include provisions on inspections by the port State or the State in whose territorial waters the vessel is located.

Costa Rica. INS: Port authorities should be required to exercise greater control so that vessels comply with safety measures (e.g. sufficient number of lifeboats and life vests).

Egypt. Ratifying flag and port States should only control vessels belonging to other ratifying States.

Eritrea. PSC is important for the safety and maintenance of fishing vessels.

Gabon. CSG: In order to ensure the safety of crew and property.

Guinea. SLIMAPG: In order to step up measures against FOC and secure compliance with international Conventions.

India. This is essential to safeguard the crew's interests in regard to aspects such as food, shelter, pay, medical care, etc. The port State should control the vessels operating in territorial waters.

Morocco. CDT: In order to preserve the State's sovereignty and guarantee the visiting ships' rights.

Norway. The agreement on PSC is dependent on there being a certificate of some kind; otherwise there would be thorough inspections every time. The main objective should be a certificate of compliance as part of a quality assurance regime, conforming to clear international standards against which compliance can be verified. The certificate should provide prima facie evidence of compliance, and PSC should only be carried out if there are clear grounds to believe that standards are not being complied with. For non-ratifying States there should be a "no more favourable treatment" clause. Council Directive 97/70/EC includes regulations concerning PSC.

Russian Federation. The Convention should strengthen the provision on responsibility of the port administration in the event of non-compliance with the rules on ships' documents.

Spain. This would be a highly efficient means of ensuring that vessels do not circumvent the implementation of the instrument.

Sweden. For non-ratifying States there should be a "no more favourable treatment" clause.

Trinidad and Tobago. This would ensure that workers on board vessels calling at the port State enjoy the same conditions.

United Kingdom. TUC: This is essential, if weak enforcement by flagging-out States is to be countered.

Views shared by several workers' organizations: CCUOMM, CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): The importance of such a provision cannot be overstated.

ICMA. Foreign fishing vessels should not be exempted from PSC and should be subject to inspection in any port at which they call, even if they are not fishing in that country's waters. Coastal States might consider requiring foreign vessels to comply with international standards as a condition of fishing in their waters. PSC should be authorized on all fishing vessels, irrespective of their flag States' ratification of the Convention.

ICSF. Particularly for the case of vessels registered in country A, employing workers from countries B, fishing in the waters of countries C and selling fish to countries D, or combinations of any of these arrangements.

Comments questioning port state control

Argentina. CAPeCA/CALAPA/CAPA: In this respect, the Latin American Agreement on Port State Control of Vessels (Viña del Mar Agreement), which has been ratified by many countries, is in force for the South American region. Thus, it is not necessary to include this in the Convention.

Denmark. Fishing is mainly a national or regional issue. It does not have the same characteristics as the merchant fleet. At present PSC should be concentrated on the merchant fleet.

Greece. PSC should be restricted to issues of safe navigation.

Honduras. COHEP: PSC should be restricted to the revision of requirements before authorizing the vessel's departure.

Ireland. It would not be practicable for one State to be involved in social security matters, for example, of another State.

Japan. It should be examined whether PSC is a suitable means to implement the new Convention, given the circumstances of PSC as regards the various IMO Conventions and the trend concerning treatment of PSC in the proposed consolidated maritime labour Convention.

Latvia. The National Board of Fisheries disagrees.

Lebanon. CCIAS: While the port State might have ratified the Convention, the State where the vessel is registered might not have done so and might not implement its provisions.

Netherlands. At present PSC on fishing vessels is not provided for in any international Convention in force.

Qatar. PSC should rather be included in the Recommendation, given the impossibility of implementing it in certain situations.

Nearly all States (78) supported the adoption of measures to verify compliance with the provisions of the Convention, for example inspections. A few replied that flag state enforcement was already current practice. One State called for quality assurance to be implemented by the flag State or other entity by delegation. More than half (50) of the governments opposed exemptions. Some respondents suggested exempting small vessels, vessels involved in artisanal, family or coastal fishing, recreational vessels, etc. A large majority of States (67) advocated a provision on port state control.

Point 39 draws from one of the provisions under consideration for the consolidated maritime labour Convention. Bearing in mind that many States may not have the resources necessary to inspect regularly all fishing vessels, the Office has included the words "as appropriate". However, *Point 41* provides that the competent authority of the member State should appoint a sufficient number of inspectors to fulfil its responsibilities under *Point 39*, while allowing the possibility of authorizing public institutions or other competent bodies to carry out such inspections. *Point 42* provides for port state control of fishing vessels to verify compliance with the Convention. *Point 43* provides a "no more favourable treatment clause" similar to that under consideration in the consolidated maritime labour Convention.

B13. CONSULTATION

Should the Convention include a provision concerning consultation with representative employers' and workers' organizations, as well as representative organizations of persons working on board fishing vessels in the development and implementation of national laws and regulations concerning conditions of work on board fishing vessels? **Qu. B13(a)**

Affirmative

Governments: 75. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malawi, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom), ZCTU (Zimbabwe).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 5. Australia, China, Czech Republic, India, Panama.

Employers' organizations: LEC (Latvia), ECOT (Thailand).

Other

Governments: 2. Costa Rica, Germany.

Comments

CAPeCA/CALAPA/CAPA (Argentina), *Brazil, Burundi*, INS (Costa Rica), *Egypt, Fiji, Eritrea, France*, COHEP (Honduras), *Ireland, Malawi*, CDT (Morocco), *Namibia*, NEF (Namibia), *Norway, Oman, Philippines, Portugal, Qatar, United Arab Emirates*, ZCTU (Zimbabwe) emphasize the value of such consultation. *Algeria* points out that it makes for better implementation of the national legislation on working conditions on board fishing vessels; *Argentina, Fiji* and *Saint Vincent and the Grenadines* note that it is important to involve those with an in-depth knowledge of the sector; *Brazil* believes that the tripartite method of developing, introducing and implementing legislation has proven to be more productive and effective with regard to compliance with provisions; *Philippines* considers that this is vital to forestall misunderstanding/misinterpretation of national legislation and to foster cooperation and amity especially in resolving grievances and disputes; *Qatar* indicates this guarantees a commitment by all involved to implementing the negotiated terms; *ICSF* suggests that this would develop a sense of ownership among those working on board fishing vessels.

Australia, Czech Republic, Estonia, ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), *Mexico, Mozambique, Spain, United Kingdom* indicate that consultation is already an obligation. *Australia, Czech Republic*, ESA/Estonian Fishermen's Association (Estonia), MEDEF (France) point to existing legal requirements for consultation in the development of agreements regulating conditions of work for all sectors.

India. In India laws are passed after the public representatives approve them. Operative consultation is the guiding spirit to guide and implement laws.

Latvia. The National Board of Fisheries disagrees.

Malaysia. Refers to fishermen's associations.

United Kingdom. The United Kingdom has organizations representing owners/employers/employees jointly and these federations are consulted about proposed regulations. The United Kingdom industry does not have separate organizations for constituent groups.

TUC: Effective social dialogue is an essential element of decent work and must be promoted. No Convention can be effectively implemented in law and practice without it. All the evidence shows that such consultation improves safety standards, among other measures. Governments should take care to ensure that an independent trade union and employer voice is heard. Where fisherfolk organizations combine employers and self-employed and employed workers, and there are no independent social partner organizations in the industry, governments should consult national employers' and trade union confederations to ensure that tripartite consultation can inform implementation that is in line with all the obligations arising from ILO membership and the ratification of its Conventions.

United States. USCIB: National legislation allows everyone to provide comments and participate in the rulemaking process.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone): Social dialogue is a fundamental element of the ILO Decent Work Agenda, and its absence would in itself constitute a substantial decent work deficit, which would require national and international measures to redress.

ICMA. If organizations representing workers and employers exist, there should be provisions for consultation. However, because of the independent nature of many fisheries, such organizations sometimes do not exist. There should always be the opportunity for public comments in the regulatory process.

The vast majority of States (75) agreed that the Convention should provide for consultations. A few respondents noted, however, that this applied to all sectors, not just fishing. The issue of consultation has been addressed under the section concerning definitions (*Point 5(b)*).

B14. OTHER ISSUES

Please indicate any other issues which should be addressed in the Convention.

Qu. B14(a)

A wide variety of replies refer to issues including: compensation in cases of shipwreck or bad weather (*Algeria*); professional responsibilities at work and corrective measures (CAPeCA/CALAPA/CAPA (Argentina)); drug and alcohol abuse prevention (CAPeCA/CALAPA/CAPA (Argentina)); education and training (CCUOMM, SOMU (Argentina), *Egypt, Tunisia*); construction of vessels and presence of important safety devices (*Bahrain*); pension benefits (PPDIV (Croatia), *Guatemala*); crew accommodation, noise and vibration (*Denmark*); work permits and life insurance (*El Salvador*); religious freedom on board (CSG (Gabon)); occupational hazards and communication on board (*Honduras*); fishing vessel loadlines (*Ireland*); equality of wages and social security (AGCI PESCA (Italy)); fisheries conservation and marine environmental protection measures (*Lebanon, CCIAB (Lebanon), United Arab Emirates*); maternity protection (*Malawi*); prevention of hijacking (*Nigeria*); social security and health insurance (*Oman*); trade union rights (SWTUF (Sudan)); protection against harassment on board (*Switzerland*); medical care expenses (NCTL (Thailand)); paid leave (*Tunisia*); maritime accidents (*United Arab Emirates*); OSH provisions for female workers (*Zimbabwe*).

Other replies suggest the inclusion of provisions concerning: coordination among all parties and ministries relevant to conditions of work of fishers (*Burundi*); an enhanced role of the ILO in ensuring implementation of the Convention and resolving conflicts concerning conditions of work in the fishing sector (*Costa Rica*); promotion of tripartism in the conclusion of contracts, implementation and monitoring (*Egypt*); sanctions (COHEP (Honduras)); systematic risk assessment and OSH management, reporting of accidents, investigation of serious accidents and publication of useful statistics (*Norway*); provisions to ensure that self-employed workers are covered by the same OSH rules as employed workers (*Sweden, TUC (United Kingdom)*); safety information and training in a language that workers can understand or appropriate methods if workers are illiterate (TUC (United Kingdom)); provisions to ensure that workers who are members of cooperatives are covered by the terms of the Convention (TUC (United Kingdom)); clarification whether provisions apply to all vessels (including existing vessels) or only to new vessels or those built after a particular date (*United Kingdom*); establishment of tripartite maritime commissions for the fishing sector (*Zimbabwe*).

Spain. Establishment of a body of officials reporting to the ILO to verify compliance with the Convention.

ICMA. Fishers should have the same protection in international law and general maritime law as persons engaged on merchant fleets.

There were a large number of replies suggesting other issues that should be addressed in the Convention. However, many of the issues raised came from only one or two States. Issues mentioned included: compensation in cases of shipwreck or bad weather, pension benefits, maternity protection, medical care expenses, life insurance, health insurance, social security, equal pay, paid leave, professional responsibilities at work and corrective measures, drug and alcohol abuse prevention, education and training, safety information and training in a language that workers can understand or appropriate methods if workers are illiterate, construction of vessels and presence of important safety devices, crew accommodation, noise and vibration, prevention of accidents, OSH provision for female workers, systematic risk assessment, OSH management, reporting of accidents, investigation of serious accidents and publication of useful statistics, prevention of hijacking, work permits, religious freedom on board, communication, fishing vessel loadlines, fisheries conservation and marine environmental protection measures, protection against harassment on board, sanctions, provisions to ensure that self-employed workers are covered by the same OSH rules as employed workers, provisions to ensure that workers who are members of cooperatives are covered by the terms of the Convention, clarification whether provisions apply to all vessels (including existing ones) or only to new vessels or those built after a particular date, coordination among all parties and ministries relevant to conditions of work of fishers, trade union rights, promotion of tripartism in the conclusion of contracts, implementation and monitoring, establishment of tripartite maritime commissions for the fishing sector, an enhanced role of the ILO in ensuring implementation of the Convention and resolving conflicts concerning conditions of work in the fishing sector, and the establishment of a body of officials reporting to the ILO to verify compliance with the Convention.

C. Contents of a proposed Recommendation

C1. MINIMUM AGE AND WORK OF YOUNG PERSONS

Qu.C1(a) *Should the Recommendation provide guidance on the types of work (e.g. night work or in hazardous conditions) or the types of fishing vessels that should be prohibited for persons under the age of 18?*

Affirmative

Governments: 70. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Fiji, Finland, France, Germany, Greece,

Guatemala, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Turkey, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 10. Australia, China, El Salvador, Eritrea, Honduras, Nicaragua, Norway, Sweden, Tunisia, United Kingdom.

Employers' organizations: LEC (Latvia), ECOT (Thailand).

Workers' organizations: JSU (Japan), USS (Switzerland).

Other: Confcooperative (Italy).

Other

Governments: 2. Costa Rica, Trinidad and Tobago.

Comments

Australia. Hazardous work should be addressed by appropriate OSH provisions, not minimum age provisions.

Costa Rica. INS agrees.

Latvia. National Board of Fisheries disagrees.

Lebanon. Careful consideration should be given to the question whether persons aged under 18 years are allowed to work on vessels of all types regardless of area of operation, especially in view of Convention No. 138, which allows employment as of the age of 16.

Saudi Arabia. On industrial fishing vessels skills and experience are necessary to handle hazardous fishing gear. Minors should not be employed before they have been trained and have understood the dangers of fishing operations.

Switzerland. Some Offices of the Federal Administration: No, if fishing is deemed to be hazardous work in itself. If not, the criteria laid down in Recommendation No. 190 should be included, adapting them to the fishing sector.

Qu. C1(b) *If yes, what should be included in such guidance?*

Algeria, CAPeCA/CALAPA/CAPA (Argentina), Belgium, Benin, Burundi, Cuba, Cyprus, Czech Republic, France, CSG (Gabon), Greece, Hungary, Indonesia, Italy, JSU (Japan), Latvia, Lebanon, Mozambique, Oman, Philippines, Poland, Portugal, CNS Cartel Alfa (Romania), Russian Federation, RPRRKh (Russian Federation), Switzerland, Thailand, Turkey, Ukraine consider that night work should be prohibited for persons under the age of 18 because it is detrimental to their health and development.

Algeria, Bangladesh, Belgium, Benin, Canada, UFAWU-CAW (Canada), Cuba, Cyprus, Denmark, Germany, Greece, Indonesia, Japan, JSU (Japan), Oman, Qatar, CNS Cartel Alfa (Romania), Switzerland, Ukraine, United Arab Emirates indicate that guidance should be included on inherently dangerous, heavy, arduous, hazardous, gruelling, physically strenuous or distressing activities or tasks detrimental to or endangering occupational safety and health.

Argentina, CCUOMM (Argentina), Bangladesh, Brazil, Fiji, Finland, Italy, Latvia, Lebanon, Serbia and Montenegro, Nigeria, Poland, Russian Federation, RPRRKh (Russian Federation), Turkey suggest including guidance on OSH measures related to work on board fishing vessels.

Fiji, Germany, Portugal, Russian Federation, ECA (Trinidad and Tobago). Periods of rest, working time.

Norway and Sweden request that the prohibitions be part of the Convention and not of the Recommendation.

Argentina. Weather-related or mechanical factors, and non-supervised work that is hazardous or heavy.

CCUOMM: The tasks included in a training curriculum for minors on board fishing vessels should be supervised, so as to prevent work with dangerous machinery or equipment, exposure to physical abuse, etc.

Belgium. Sunday work.

Canada. UFAWU-CAW: Short trips, short working hours (not more than 12-hour days), work under supervision.

Denmark. The minimum age for fishermen is 16, but may be 18 for certain special working situations. Young persons aged between 16 and 18 years should be allowed to work on board fishing vessels, if sea service is part of training for fishermen. There should be an agreement between the young fishermen and the shipowner concerning a training programme in accordance with national fishing education programmes recognized by the Danish Maritime Authority.

Ecuador. A list of activities prohibited for different ages, including explanations of the risks associated with each one.

France. Work on factory vessels and long fishing operations. Persons under 18 should be able to take the weekly rest period on shore.

Ghana. MDU: Minimum age for apprenticeship.

Guatemala. Those working on vessels fishing in areas of operation “A”, “B” and “C” should be excluded from night work and dangerous tasks.

Guinea. SLIMAPG: Work on tuna boats, crabbers or longliners.

Honduras. COHEP: Prohibition to employ minors on fishing vessels of categories “A” and “B” and restrictions on hazardous work on those of category “C”.

Hungary. Overtime should be allowed only exceptionally, and hazardous conditions only in the event of a disaster.

Iceland. Work with dangerous machinery, equipment or tools and manual handling or transport of heavy loads.

India. Traditional fishermen operating in territorial waters and engaged in day fishing.

Ireland. The Marine Survey Office refers to EU legislation. HSA suggests guidance on working conditions, time at sea and operation of machinery, including lifting appliances.

Jamaica. Apprenticeship, families passing down traditions, safety measures, precautions, supervision and monitoring of specific types of work.

Japan. JSU: Work requiring proficiency. No guidance should be provided on the types of fishing vessels on which persons under 18 should be prohibited to work.

Republic of Korea. Work on board fishing vessels operating in the Arctic Sea and in high-latitude longline fisheries.

Lebanon. The guidance could be based on the standards applied to commercial vessels, or those in ILO codes of conduct, or guidelines issued by other international organizations, while not constituting a binding commitment for Members.

Mauritius. Night duty within the vicinity of the operational area.

Mexico. Work as trimmers or stokers.

Oman. Overtime and work during weekly days of rest or official holidays without authorization by the competent authority.

Panama. Legal authority of the competent body to set the minimum age for the various jobs and any additional requirements.

ANDELAIPP: Guidelines should be defined according to the type and activity of the vessel.

APOM: Minimum guarantees of appropriate food and accommodation according to the length of time at sea.

Philippines. Dangers of rough seas and disadvantages of working on small vessels.

Poland. Work should be supervised.

Qatar. Work in machine-rooms or refrigeration chambers, diving, work on board vessels in category “A” in view of the long time spent at sea.

Saudi Arabia. Operation of winches, leaving the mother ship during fishing.

Sri Lanka. UFFC: Work on vessels of categories “A” and “B”.

Sudan. SWTUF: Aptitudes of persons under the age of 18 should be taken into consideration for their safety and that of the vessel.

Syrian Arab Republic. Work in international waters.

Thailand. NCTL: Work with the engine.

Turkey. Operations on the open sea.

Ukraine. Work on holidays.

United Arab Emirates. Lifting work.

United Kingdom. Blanket prohibitions are inappropriate. The capability of young persons (aged 16-18 years) for particular types of work should be assessed by special risk assessment.

TUC: The essential principles of Convention No. 182 must be reflected in the Convention. The new instruments must be, at least, consonant with other Conventions in force, paying particular regard to the fundamental Conventions and their accompanying Recommendations, and must not in any way discourage governments from fulfilling their constitutional obligations either with regard to ratified Conventions or those arising from the ILO Declaration on Fundamental Principles and Rights at Work of 1998.

United States. Conditions that should be prohibited for persons under the age of 18 should be identified. This should include the use of heavy equipment and machinery and crew member positions that require extensive skill and experience. In addition, duties involving the use of power-driven wood-working machines, hoisting apparatuses, bakery machines, and meat-cutting machines should be prohibited.

Zimbabwe. Work in deep waters.

ICMA. Persons under 18 should not be employed on vessels other than small family-owned and -operated vessels. They should not work at night unless they have received prior training. There should be a designated mentor responsible for training and supervising under-age fishers.

ICSF. Types of fishing operations proscribed, sea conditions to be avoided, and conditions under which young persons may be employed.

The majority of States (70) agreed that the Recommendation should provide guidance on the types of work that should be prohibited for persons under the age of 18. Many replies listed the work that should be prohibited (e.g. night work, hazardous or gruelling tasks, work with dangerous machinery, manual handling or transport of heavy loads, work in high latitudes, for excessive periods of time, or on holidays). Other issues that might be addressed in the Recommendation included: apprenticeships, working in family operations, occupational safety and health, training, rest periods, restrictions on the operation of certain equipment.

The provisions in *Points 44* and *45* take into account certain details of Convention No. 112. They reflect a concern for the protection of young persons and draw upon suggestions made by governments in their replies. In *Point 46*, the Office has included a general provision addressing the need for properly fitted safety equipment for young persons. Arguably, such provisions might also be included under the part of the proposed Recommendation concerning occupational safety and health. However, the Office believes that including these provisions in this section would give them greater visibility.

C2. MEDICAL EXAMINATION

Should the Recommendation set out guidance on the content of the medical certificate and the procedures to be followed for the issue of the medical certificate? **Qu. C2(a)**

Affirmative

Governments: 74. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Syrian Arab Republic, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Negative

Governments: 6. China, Lithuania, Sweden, Switzerland, Tunisia, United States.

Employers' organization: ECOT (Thailand).

Other

Governments: 2. Denmark, Thailand.

Employers' organization: EMCOZ (Zimbabwe).

Workers' organization: USS (Switzerland).

Comments

Brazil, Denmark, Ecuador, Republic of Korea, Qatar, Venezuela consider that guidance could include the content of the medical examination, and sometimes request specific indications regarding hazardous activities.

Greece and Norway suggest that a standard model for the medical certificate should be drawn up.

Indonesia, Saint Vincent and the Grenadines, Trinidad and Tobago feel that this guidance is necessary to standardize the medical examination and issuance of medical certificates.

Oman, Qatar, Saudi Arabia consider that the certificate should certify that the worker is physically fit and free of communicable diseases.

Panama, United Kingdom, TUC (United Kingdom) suggest following the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*.

Argentina. CCUOMM: The costs of carrying out medical examinations and issuing medical certificates should not be borne by the fishermen.

Australia. The guidance should be in accordance with relevant IMO standards.

Canada. Only for those positions where medical evaluation is required or necessary.

El Salvador. A mechanism to certify the activities of workers should be established at every port.

Fiji. A proper check and reporting system should be included.

France. The period of validity should be determined.

Jamaica. Vessel size, time at sea and distance of fishing ground from shore should be taken into account.

Latvia. This guidance should only apply to persons on fishing vessels operating on the high seas.

Lebanon. The type of medical certificate should be taken into account, as it should not be the same, for example, for persons working on small or coastal fishing vessels and for skippers or captains of larger vessels.

Namibia. This would assist the officer in charge during the auditing by the flag State.
NEF: The medical examination should be similar to that for an export food handler.

Netherlands. This requirement should be in line with the medical examination for seafarers.
PVIS: A right of appeal in the event that the fisher is declared unfit should be included.

Oman. Medical certificates should certify that the worker's sight and hearing are sound.

Portugal. For example, the certificate should indicate the examination result (fit/unfit for work) and refer to the worker's ability to adapt to the post.

Qatar. The certificate should be issued free of charge by the competent authority.

Switzerland. USS: Patient confidentiality should be respected.

United States. United States law does not require medical examinations for persons working on fishing vessels.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): Such guidance would be essential, as this is one aspect which should be subject to port state control, where the vessel calls at foreign ports.

Should the Recommendation provide that the persons issuing such a certificate be approved by the competent authority? **Qu. C2(b)**

Affirmative

Governments: 71. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Benin, Brazil, Bulgaria, Burundi, Canada, Costa Rica, Croatia, Cuba, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Negative

Governments: 7. Belgium, China, Cyprus, Estonia, Japan, Lithuania, Switzerland.

Employers' organization: ESA/Estonian Fishermen's Association (Estonia).

Workers' organization: USS (Switzerland).

Other

Governments: 4. Denmark, Guatemala, Thailand, United States.

Employers' organization: EMCOZ (Zimbabwe).

Workers' organization: FTUS (Lebanon).

Comments

Algeria, CCUOMM (Argentina), Bahrain, Norway, Serbia and Montenegro, ICMA consider that persons issuing medical certificates should be specialized in maritime health and/or have experience and training in medical considerations relating to work on a fishing vessel, e.g. familiarity with the specification of "hazardous conditions" and "dangerous work", etc.

Brazil, INS (Costa Rica), El Salvador, Eritrea, ESA/Estonian Fishermen's Association (Estonia), Fiji, Marine Survey Office (Ireland), NEF (Namibia), Nigeria, Norway, Panama, Saudi Arabia, ECA (Trinidad and Tobago), ICMA state that issuing persons should be limited to medical doctors/physicians/practitioners who should be fully qualified, registered and/or practising.

Burundi, Egypt, CSG (Gabon), SLIMAPG (Guinea), Indonesia, CDT (Morocco), Oman, Philippines, SALFU (Sierra Leone), SWTUF (Sudan), Trinidad and Tobago point out that this requirement would avoid fraud, irregularities and forged medical certificates, and would ensure accuracy and reliability of the results of medical tests as well as the genuineness, credibility and universal validity of medical certificates.

Argentina. The issuance of certificates should not be delegated to private enterprises.

CCUOMM: Medical personnel responsible for issuing certificates should be duly qualified along the lines of the WHO/ILO Guidelines.

SOMU: The port State should be responsible for monitoring medical certificates.

Australia. The guidance should be in accordance with relevant IMO standards.

Belgium. Under Belgian law, it is occupational health services that are approved, not occupational physicians themselves.

Denmark. This should be included in the mandatory part of the Convention. A provision should state that a Member could, after consultations with employers' and workers' organizations, adopt national regulations ensuring that seafarers have the right to an administrative appeal against the decision.

Egypt. In order to avoid diseases and specify the required vaccinations.

Iceland. They should be recognized, as for example doctors are, but not necessarily in such a way that only a particular doctor can issue a certificate.

India. The requirement should be the same as for merchant shipping.

Ireland. HSA disagrees.

Japan. The approval of the issuing person by the authority should not be necessary as long as a valid certificate is issued.

Lebanon. There should be an official medical committee mainly composed of members of the public health ministries and ministries involved in maritime fishing.

Norway. The medical practitioner should be objective and have no ties to either employers or employees.

Panama. APOM: Issuance should be restricted to specific clinics and/or appropriate persons recommended by the authorities.

Philippines. Thus, accountability and responsibility of the issuing person or entity could be established in cases where sanctions are imposed.

Qatar. In Qatar, specialized government hospitals carry out medical examinations and issue certificates according to occupation. The employer covers the expenses for preliminary examinations and treatment.

Saint Vincent and the Grenadines. Measures should be taken to verify authenticity and allow for accountability.

Spain. The public health services should be involved, either by directly issuing the certificates or by validating those issued by other authorities.

United States. Not applicable.

Zimbabwe. Otherwise the certificate should be invalid.

The vast majority of States (75) indicated that the Recommendation should set out guidance on the content of the medical certificate and the procedures to be followed for the issue of the medical certificate. Most States (71) agreed that the issuing persons should be approved by the competent authority.

Certain provisions that had been included in Convention No. 113 have been moved to the proposed Conclusions with a view to a Recommendation (*Points 47 to 53*). The Office has also included a reference, in *Point 54*, to the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*, as this might be relevant to fishers working in conditions equivalent to those of seafarers.¹² The Office notes that the Guidelines include: an overview of relevant international laws and regulations; a description of the purpose and contents of the seafarer's medical certificate; guidance on the right of privacy; recommended qualifications for those conducting medical fitness examinations of seafarers; a discussion of appeals procedures for seafarers denied a medical certificate; a brief description of aspects of seafaring life which may be relevant to the medical examination of seafarers; a brief description of the types and frequency of seafarers' medical examinations; recommended procedures for the conduct of medical examinations; recommended vaccinations for seafarers; and annexes on minimum in-service eyesight and hearing standards for seafarers, information on medical conditions which should be considered by medical examiners when deciding whether to issue medical certificates to seafarers, minimum requirements for the medical examination of seafarers, a sample medical certificate for service at sea, and an annex concerning the collection, processing and communication of health-related data.

¹² The ILO's Tripartite Meeting on Safety and Health in the Fishing Industry recommended that these Guidelines be taken into account in the revision of Convention No. 113.

In *Point 55* the Office has included a provision seeking to promote health among fishers exempted from the provisions concerning medical examination, in view of the importance of this issue for many fishing communities. However, it might be considered unnecessary in light of *Points 8* and *9* of the proposed Conclusions with a view to a Convention.

C3. MEDICAL CARE AT SEA

Qu. C3(a) *Should the Recommendation provide guidance on the contents of the medicine chest and the type of medical equipment¹³ required to be carried on board fishing vessels?*

Affirmative

Governments: 80. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

¹³ Or first-aid kit for certain smaller fishing vessels.

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Negative

Governments: 2. Guatemala, Trinidad and Tobago.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway).

Other

Employers' organization: EMCOZ (Zimbabwe).

Comments

Burundi, GTUWA (Egypt), Indonesia, Malaysia, Philippines, SWTUF (Sudan) consider that the guidance could recommend an appropriate first-aid kit to provide lifesaving and first aid in case of accident or illness at sea.

Burundi, APOM (Panama), ICMA believe that there should be clear instructions on the use of the contents of the medical chest or that workers should learn the correct use in basic courses.

The contents of the medicine chest should be defined according to the time spent at sea (*France, Portugal, Saudi Arabia, Switzerland*), vessel size (*Lebanon, Serbia and Montenegro, Spain*) or type of fishing vessel (*Brazil, COHEP (Honduras), Portugal*).

MEDEF (France), Marine Survey Office (Ireland), Netherlands, United Kingdom, TUC (United Kingdom) feel that this requirement should be in line with Council Directive 92/29/EEC.

Australia. The guidance should be in accordance with relevant IMO standards.

Costa Rica. INS agrees, in order to administer first aid to any crew member who has had an accident or is suffering from an illness, be it work-related or otherwise.

Eritrea. It would be helpful to update the medical supplies.

Estonia. ESA/Estonian Fishermen's Association: Only in the case of international fishing.

India. The requirement should be the same as in merchant shipping for deep-sea vessels.

Jamaica. The captain and chief mate need to have specified first-aid skills, in the event that there are no medical personnel on board.

Namibia. The medicine chest should be checked for expiries.

Nigeria. Medical cases occurring frequently at sea should be taken into account when determining the content of the medicine chest.

Oman. The contents should not be less than the minimum applied under international standards.

Saint Vincent and the Grenadines. Vessels operating at greater distance from shore should be required to have more medical supplies.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): This could be accomplished by citing relevant instruments adopted by other competent international organizations.

Qu. C3(b) *Should the Recommendation set out guidance on the availability and on instruction concerning the use of radio-medical and similar services on board fishing vessels?*

Affirmative

Governments: 75. Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), MDU (Ghana), SLIMAPG (Guinea), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Negative

Governments: 6. Bahrain, Lithuania, Qatar, Saudi Arabia, Trinidad and Tobago, Tunisia.

Employers' organizations: LEC (Latvia), CCIAS (Lebanon), Norwegian Fishing Vessel Owners' Association/Norwegian Trawlers' Association (Norway).

Workers' organizations: CSG (Gabon), FTUS (Lebanon).

Other

Government: 1. Japan.

Employers' organization: EMCOZ (Zimbabwe).

Workers' organization: KPI (Indonesia),

Comments

Argentina. This guidance should include monitoring and functioning of radio services, communications, helicopters and other emergency systems for those categories of fishing vessels that remain at sea for long periods of time.

Australia. The guidance should be in accordance with relevant IMO standards and advocate a risk management approach to determining first-aid requirements, giving due consideration to the nature of the work; location, size and layout of workplace; and the number and distribution of workers. This could also cover information about consultation, confidentiality and record keeping; qualifications and training of first-aid personnel, content of first-aid kits and first-aid rooms; infection control and first-aid signs. Specific provisions could apply for fishing vessels engaged in diving work.

Bahrain. Only for very large vessels spending several months at sea.

Burundi. Radio-medical services with a health establishment should be free.

Costa Rica. INS: The provision of medical consultation services can avert serious consequences in the event of occupational accidents.

Egypt. For fishing vessels operating on the high seas and for periods exceeding six months.

Gabon. CSG: Employers would use it as an excuse not to provide a doctor or nurse on board.

Ireland. The Marine Survey Office suggests referring to the appropriate EU Directive.

Jamaica. The technologies put in place should be available in developing countries.

Japan. Medical treatment should be administered in person by doctors to patients, and radio-medical services should be used to supplement such treatment.

Republic of Korea. The Government refers to the Medical Advice at Sea Recommendation, 1958 (No. 106).

Latvia. The National Board of Fisheries disagrees.

Lebanon. For large vessels operating in international waters and oceans or on voyages lasting longer than 48 hours. The guidelines should also contain information regarding medical care via radio.

Mozambique. Radio communication reaches a large portion of the persons involved in the area and has the highest coverage.

Namibia. NEF: This would limit the accountability of the captain.

Netherlands. This requirement should be in line with Council Directive 92/29/EEC.

Panama. ANDELAIPP: Provided that this is a social security service.

Portugal. This is necessary in the event of accidents or illnesses occurring on board fishing vessels very far from shore.

Qatar. Sophisticated medical equipment is expensive and requires specialized skills for its use, which might not necessarily be available among crew members of a type "A" vessel.

Russian Federation. This should be compulsory.

Saudi Arabia. As most fishing vessels operating in territorial waters are traditional vessels under 9 m spending not more than three days at sea, or vessels under 20 m operating in the territorial waters for a limited period, it would not be practical to require them to have x-ray equipment, etc.

Sri Lanka. UFFC: This should only be valid for vessels fishing beyond the EEZ.

Sudan. SWTUF: The use of such equipment should be restricted to specialists under strict conditions and instructions.

United Kingdom. The same guidance should be used as for merchant ships.

United States. For those larger vessels where medical assistance could be given by radio, the crew member responsible for providing first aid should be familiar with whom to call for help.

Venezuela. This would assist those vessels which do not have personnel trained in first aid or medical personnel.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): This could be done by citing relevant instruments adopted by other competent international organizations.

ICMA. This is particularly relevant to deep-sea fishing vessels.

ICSF. However, this might not be very relevant in most developing countries.

IMHA. Radio-medical consultations and other medical services should be included in training as a compulsory subject and could help to evaluate what diseases and injuries occur at sea, to take preventive measures and to know their causes (epidemiological and statistical studies). Governments should facilitate coordination among themselves and with local training and research centres.

The vast majority of States (80) indicated that the Recommendation should provide guidance on the contents of the medicine chest and the type of medical equipment that should be carried on board fishing vessels. A number of workers' organizations suggested that this could be accomplished by citing relevant instruments adopted by other competent international organizations. It was pointed out that the guidance should be in accordance with relevant IMO standards.

A large majority of States (75) agreed that the Recommendation should set out guidance on radio-medical services. Some States indicated that this guidance should

be in accordance with IMO standards and EU Council Directive 92/29/EEC, or that it could be dealt with by citing other international instruments. Another suggestion was that the guidance should be the same as that provided for merchant ships. Some replies mentioned details that should be included.

Point 59 generally reflects a provision on medical supplies that had been included in Convention No. 126, and provides that Members should develop a list of medical supplies and equipment to be carried. *Point 61* addresses the issue of training in first aid. The instruments referred to could, for example, include the IMO's STCW-F Convention and certain FAO/ILO/IMO Codes. *Point 62* introduces the concept of a standard medical report, drawing upon Convention No. 164, Article 12, as well as a provision in the draft Consolidated Maritime Labour Convention for seafarers. Such a standard form would enhance medical treatment of fishers.

C4. QUALIFICATIONS OF PERSONS WORKING ON BOARD FISHING VESSELS

Should the Recommendation provide additional guidance beyond that provided in international standards concerning training of persons working on board fishing vessels? **Qu. C4(a)**

Affirmative

Governments: 34. Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Costa Rica, Denmark, Fiji, Finland, Honduras, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Jamaica, Kuwait, Latvia, Malaysia, Mauritius, Mozambique, Nigeria, Oman, Portugal, Qatar, Russian Federation, Saudi Arabia, Spain, Trinidad and Tobago, Tunisia, United Arab Emirates, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), CCIAS (Lebanon), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), CDT (Morocco), NUNW (Namibia), PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), ICMA, ICSF.

Negative

Governments: 45. Algeria, Bahrain, Belarus, Benin, Bulgaria, Burundi, China, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, Eritrea, Estonia, France, El

Salvador, Guatemala, Greece, Hungary, India, Italy, Japan, Republic of Korea, Lebanon, Lithuania, Mexico, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Philippines, Poland, Romania, Saint Vincent and the Grenadines, Serbia and Montenegro, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), USCIB (United States).

Workers' organizations: Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), FKSU (Republic of Korea), FTUS (Lebanon), APOM (Panama), KSM NSZZ Solidarnosc (Poland), CNS Cartel Alfa (Romania), NCTL (Thailand).

Others: Confcooperative (Italy), PVIS (Netherlands).

Other

Governments: 3. Germany, Syrian Arab Republic, Thailand.

Employers' organization: EMCOZ (Zimbabwe).

Workers' organization: UFAWU-CAW (Canada).

Comments

MEDEF (France), *Ireland, Norway*, APOM (Panama), *Russian Federation* note that issue is dealt with by the STCW-F Convention.

Ireland. HSA disagrees.

Latvia. The National Board of Fisheries disagrees.

Qu. C4(b) *If yes, what issues should this guidance address?*

CGT, UMAFLUP (Argentina), *Australia, Belgium*, CGT (Brazil), *Canada*, PPDIV (Croatia), GTUWA (Egypt), *Honduras, India, Mauritius, Portugal*, SWTUF (Sudan), *Syrian Arab Republic, Tunisia, Venezuela, Zimbabwe* suggest that guidance concerning training should address OSH on board fishing vessels (e.g. principles, issues, risks, requirements, procedures, techniques, trends).

Argentina. Training of on-board inspection personnel.

CGT: Preservation of fishing resources and marine environment.

Bahrain. Practical training.

Bangladesh. Hazards, prevention and emergency duties.

Brazil. Vocational training, qualification and retraining.

Croatia. PPDIV: New technologies in the sector.

Denmark. Requirements for skipper qualifications on board fishing vessels under 24 m, which are not covered by the STCW-F Convention, if not already included in the mandatory part.

Egypt. GTUWA: Job specializations and jobs in the informal sector.

Gabon. CSG: Retraining.

Guinea. SLIMAPG: Training of captains or chief mechanics who did not have formal training, but learnt their trade on the job.

Honduras. On-the-job training.

Indonesia. Radio operator training in case of emergency and self-rescue training.

Italy. AGCI PESCA: Job descriptions.

Malaysia. Fishing vessels operating on the high seas.

Mauritius. First aid and watchkeeping.

Mozambique. Procedures and discipline for smooth operation of fishing activities, compliance with working hours and rest periods; conduct of workers towards one another, teamwork.

Nigeria. Observers and ad hoc staff during experimental research fishing.

Portugal. Occupational maritime training for the specific post, which should be periodically updated and take into account the type of vessel and new maritime technology.

Qatar. Use of modern communication equipment, rational management of fisheries resources, environmentally friendly fishing methods.

Russian Federation. Free vocational (re)training and sources of financing.

Spain. The various national laws should be harmonized so that certificates and degrees are internationally valid, provided they meet minimum training requirements common to all States.

Sudan. SWTUF: Economics and feasibility studies, workers' rights.

Trinidad and Tobago. Particular fishing activities or methods.

United Arab Emirates. 18-year-old workers should be trained in safety aspects, and navigators or engineers in new technologies in the areas of navigation and fishing.

Zimbabwe. Rescue operations, survival skills.

ICMA. Medical practitioners should be consulted on what recommendations should be made.

ICSF. A training manual for persons working on board small-scale fishing vessels, especially those that cover long distances in their fishing operations.

Less than half (34) of the responding States supported recommendatory provisions beyond those in existing international standards concerning the training of persons working on board fishing vessels. It was suggested that additional guidance should address, for example: risks, hazards, prevention and emergency duties; occupational safety and health; training of observers and temporary staff; modern communication equipment; rational fisheries management; environmentally friendly fishing

methods; survival skills; rescue operations; or work on board small-scale fishing vessels. However, some States said that the issue was already covered by the STCW-F Convention. One suggestion was to provide guidance on qualifications for skippers of fishing vessels under 24 m, which are not covered by the STCW-F Convention.

The Office notes that more governments replied negatively than positively to Question C4(a). The Tripartite Meeting of Experts on Labour Standards for the Fishing Sector also had mixed views on this issue. Furthermore, the Office notes that guidance on training is provided, to a great degree, in the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel. The Office therefore is hesitant to include in the Recommendation more specific requirements concerning training. However, bearing in mind the positive impact of Recommendation No. 126, the Office has also proposed including (in *Point 56*) guidance concerning the subject areas covered by that instrument, as a way to support the continuation or development of training institutions and programmes.

C5. CONTRACTUAL ARRANGEMENTS CONCERNING WORK ON BOARD FISHING VESSELS

Qu. C5(a) *Should the Recommendation provide guidance, on the basis of the elements contained in Convention No. 114, concerning the content of contracts or articles of agreement for work on board fishing vessels?*

Affirmative

Governments: 67. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), MEDEF (France), COHEP (Honduras), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania),

RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 9. Australia, Belarus, China, Egypt, Greece, Latvia, Lithuania, Sweden, Trinidad and Tobago.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), LEC (Latvia), CCIAS (Lebanon), ECOT (Thailand).

Workers' organizations: FTUS (Lebanon), APOM (Panama).

Other

Governments: 6. Costa Rica, Czech Republic, Denmark, Germany, Lebanon, Namibia.

Employers' organization: EMCOZ (Zimbabwe).

Workers' organization: CDT (Morocco).

Comments

Costa Rica. INS disagrees.

Ireland. HSA disagrees.

Lebanon. Provided that the Recommendation is independent from Convention No. 114, especially as it is proposed to partially revise it, although it is unclear which parts are involved.

If yes, should the guidance provided in the Recommendation also include elements not addressed in Convention No. 114?

Qu. C5(b)(i)

Affirmative

Governments: 49. Algeria, Argentina, Belgium, Benin, Brazil, Bulgaria, Canada, Cuba, Ecuador, Eritrea, Estonia, Fiji, Finland, France, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Jamaica, Republic of Korea, Kuwait, Malaysia, Mauritius, Mozambique, Myanmar, Nicaragua, Nigeria, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CCIAB (Lebanon), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), ICMA, ICSF.

Negative

Governments: 17. Bahrain, Bangladesh, Belarus, Burundi, Croatia, Cyprus, El Salvador, Guatemala, Islamic Republic of Iran, Italy, Japan, Lebanon, Mexico, Netherlands, New Zealand, Poland, Switzerland.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand).

Others: AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands).

Other

Governments: 16. Australia, Austria, China, Costa Rica, Czech Republic, Denmark, Egypt, Germany, Greece, Latvia, Lithuania, Namibia, Norway, Sweden, Syrian Arab Republic, Trinidad and Tobago.

Employers' organizations: LEC (Latvia), CCIAS (Lebanon), EMCOZ (Zimbabwe).

Workers' organizations: FTUS (Lebanon), CDT (Morocco).

Comments

Costa Rica. INS disagrees.

Honduras. The contracts should be in the language of the country.

Qu. C5(b)(ii) *If yes, should one of these elements concern the specification of insurance coverage for persons working on board fishing vessels in the event of injury, illness or death in the contract or articles of agreement?*

Affirmative

Governments: 52. Algeria, Argentina, Bahrain, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Cuba, Ecuador, Eritrea, Estonia, Fiji, Finland, Greece, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Jamaica, Republic of Korea, Kuwait, Lithuania, Malaysia, Mauritius, Mozambique, Myanmar, Nicaragua, Nigeria, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), COHEP (Honduras), CCIAB (Lebanon), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), ICMA, ICSF.

Negative

Governments: 5. Croatia, Egypt, France, Guatemala, United Kingdom.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), NEF (Namibia), ECOT (Thailand).

Other: PVIS (Netherlands).

Other

Governments: 25. Australia, Austria, Belarus, China, Costa Rica, Cyprus, Czech Republic, Denmark, El Salvador, Germany, India, Italy, Japan, Latvia, Lebanon, Mexico, Namibia, Netherlands, New Zealand, Norway, Poland, Saudi Arabia, Sweden, Switzerland, Trinidad and Tobago.

Employers' organizations: MEDEF (France), LEC (Latvia), CCIAS (Lebanon), ANDELAIPP (Panama), EMCOZ (Zimbabwe).

Workers' organizations: FTUS (Lebanon), CDT (Morocco).

Comments

Argentina. This is essential to comply with the FAO Code of Conduct for Responsible Fisheries.

Australia. The proposed provisions should not apply to workers whose entitlement to remuneration is contingent upon the working of the ship producing gross earnings or profits, and whose remuneration is wholly or mainly a share of the gross earnings or profits.

Burundi. Insurance coverage in the event of injury, death or retraining for another job should be provided for in the employment contract.

Costa Rica. INS disagrees because the national legislation already lays down the minimum requirements that should be contained in an employment contract for these workers.

Norway. The Convention should require that insurance be an obligation of the shipowner and the further content be subject to negotiations between workers' and employers' organizations.

Panama. APOM: Owners should provide accident insurance coverage for crew.

Philippines. The indemnity should be quantified in relation to the nature, extent and seriousness of the injury.

Russian Federation. There should be a compulsory contribution of the shipowner/employer to the insurance payments of crew members, and the principle of voluntary individual insurance coverage by crew members with a share being paid by the shipowner.

Spain. Emphasis should also be placed on the wage system to establish guarantees for the payment of wages in the amount due.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), TUC (United Kingdom): This is essential to give effect to the relevant provisions contained in the FAO Code of Conduct for Responsible Fisheries.

ICMA. Although there may be requirements for vessel operators to carry insurance, such requirements should not be misused by shifting operators' obligations to their crews or by reducing their existing legal obligation to provide medical care for crew members who become sick or injured while employed on a fishing vessel. There should be some specification on death benefits.

ICSF. It might also be useful to provide guidance concerning the content of contracts in multi-day fishing operations of the small-scale sector.

Qu. C5(c) *Should the Recommendation provide guidance on contracts or articles of agreements (e.g. procedures concerning the examination prior to signing; signing and termination of contracts or articles of agreement; records of employment; circumstances for discharge) for work on board fishing vessels?*

Affirmative

Governments: 67. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, El Salvador, Eritrea, Estonia, Fiji, France, Greece, Guatemala, Honduras, Hungary,

Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 8. Australia, China, Czech Republic, Egypt, Finland, Latvia, Lithuania, Sweden.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), LEC (Latvia), CCIAS (Lebanon), ECOT (Thailand).

Workers' organization: FTUS (Lebanon).

Other

Governments: 7. Costa Rica, Denmark, Germany, Lebanon, Namibia, Panama, Trinidad and Tobago.

Employers' organization: MEDEF (France).

Workers' organization: CDT (Morocco).

Comments

Ecuador, Spain, ICMA: Include a provision recommending a minimum contract content addressing the main rights and obligations of both parties.

Czech Republic. General provisions of labour law should be applied.

Fiji. This would help the attesting or witnessing officer.

Greece. The provision should only cover crew whose duties relate to safe navigation, not fishing, since this is an economic activity.

India. The requirements should be the same as for merchant shipping.

Ireland. HSA disagrees.

Lebanon. This depends on what is done with regard to the provisions of Convention No. 114.

Malaysia. Only for fishing vessels operating on the high seas.

Mozambique. Clarity could prevent labour disputes.

Philippines. An arbiter from the competent authority may be necessary with respect to contracts or articles of agreement and, most importantly, grounds for dismissal and disciplinary actions.

Saudi Arabia. The contract should also be approved by the competent authorities before its entry into force, to ensure that none of its provisions conflict with national legislation.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), KSM NSZZ Solidarnosc, PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): Given the decent work deficit in this industry, such provisions are essential to the development of the social dimension of responsible fisheries.

Qu. C5(d) *Should the Recommendation provide guidance on systems of remuneration and, if appropriate, including systems based on a share of the catch?*

Affirmative

Governments: 42. Algeria, Argentina, Austria, Belgium, Benin, Brazil, Burundi, Canada, Croatia, Cuba, El Salvador, Eritrea, Fiji, France, Guatemala, Hungary, Ireland, Japan, Republic of Korea, Kuwait, Mauritius, Mozambique, New Zealand, Nicaragua, Oman, Panama, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB (Lebanon), ANDELAIPP (Panama), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation),

SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Negative

Governments: 33. Australia, Bahrain, Bangladesh, Belarus, Bulgaria, China, Czech Republic, Ecuador, Egypt, Estonia, Finland, Germany, Greece, Honduras, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Jamaica, Latvia, Lebanon, Lithuania, Malaysia, Mexico, Myanmar, Netherlands, Poland, Sweden, Trinidad and Tobago, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), MEDEF (France), LEC (Latvia), CCIAS (Lebanon), NEF (Namibia), ECOT (Thailand), EMCOZ (Zimbabwe).

Workers' organizations: Estonian Fishery Workers Trade Union (Estonia), FTUS (Lebanon), APOM (Panama), Federation of Fishing Sector Trade Unions (Portugal), NCTL (Thailand).

Other: PVIS (Netherlands).

Other

Governments: 7. Costa Rica, Cyprus, Denmark, Namibia, Nigeria, Norway, United States.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), USCIB (United States).

Workers' organizations: SLIMAPG (Guinea), CDT (Morocco).

Comments

Australia. These matters are negotiated between the fishing vessel master/owner and the crew.

Costa Rica. INS agrees.

India. There is an inherent system of remuneration exclusive to fishing vessels.

Ireland. The Marine Survey Office and HSA disagree.

Japan. JSU: As to the "share system", there is no other alternative but to accept it, although it is harmful to the conservation of marine resources.

United States. USCIB: The Recommendation should include guidance on setting forth the terms of remuneration in the contracts to avoid any possible misunderstandings between the worker and employer, but not on the systems themselves.

Qu. C5(e) *If yes, please specify the issues to be included:*

CCUOMM, CGT, SOMU, UMAFLUP (Argentina), *Brazil*, UNIMPESCOL, (Colombia), SiD (Denmark), GTUWA (Egypt), MDU (Ghana), KPI (Indonesia), JSU (Japan), *Oman*, KSM NSZZ Solidarnosc, PSU (Poland), *Sierra Leone*, SALFU (Sierra Leone), UFFC (Sri Lanka), *Ukraine*, TUC (United Kingdom): There should always be a guaranteed minimum wage.

Algeria. Real value of the catch and the method of calculation of the share.

Argentina. “Basic seamen’s contract” to be improved through collective labour agreements. Less favourable conditions would be null.

Benin. Basic wage to be paid in the event of immobilization of vessel and pro rata bonus shares of the catch. Area of operation, qualifications of workers and their position should be taken into account.

Brazil. The system based on a share of the catch is a system of payment within a contract of employment – never a system of employment.

Burundi. The remuneration and share-of-the-catch system should be included in the employment contract, so that there is no confusion or cheating. The competent authority should monitor employment contracts and give fishermen advice.

Canada. UFAWU-CAW: Hours of work, duties expected both on shore and fishing, shares or wages, expenses, dispute mechanism.

Costa Rica. INS: Share-of-the-catch systems should be clearly established in contracts to minimize disputes between the employer and the workers.

Croatia. PPDIV: The share of the catch should be regulated as an incentive rather than as remuneration.

El Salvador. Allotted percentage per tonne or part thereof of surplus production.

Eritrea. In the case of piece rates, there should be equitable sharing, and remuneration should be sufficient to provide a living.

Fiji. The issue of whether the share should be on a sliding scale.

France. Definition of expenses borne by shipowner, definition of common expenses, share between shipowner and crew, differentiated according to function.

Ghana. MDU: Tonnage bonus.

Guatemala. Percentage of profits according to position and determination of time of payment in the case of monetary profits.

Honduras. COHEP: The different types of fishing should be taken into account.

Japan. A certain amount of guaranteed wages in accordance with hours of work for persons employed based on a share of the catch. This is not intended to encourage the share system.

Lebanon. There should be provisions regarding paid leave for work in maritime fishing.

Mauritius. Payment as regards by-catch and undersized fish.

Mozambique. The contract should clearly indicate the manner and date of (overtime) payment.

New Zealand. Principles enshrined in the Seafarers’ Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), and guaranteed minimum wage whether the system is based on share of the catch or salary.

Nigeria. Minimization of cases of crew/skipper illegally selling off the catch.

Norway. This important and highly sensitive matter can become a hindrance. Guidance in this field may be included, if it is done through agreements with the social partners in the ILO.

Panama. Calculation of payment by production.

Philippines. Percentage sharing of the catch should be uniform and specific (i.e. include deductible items or charges against estimated earnings or value of the catch).

Portugal. It is recommended to adopt instruments that take into account the fact that the form of payment may lead to accidents, if it makes remuneration dependent on the amount of fish caught.

Russian Federation. Payment in the form of an individual share of a crew member, and minimum guaranteed remuneration taking into account the minimum subsistence level in the region concerned.

Saudi Arabia. Contractual stipulation of share of the catch, especially in the case of small-scale fishermen, and minimum additional wage in certain cases.

Spain. Control of the sale process and adequate information to ensure a more transparent determination of the wage.

Sri Lanka. Liability for damage to nets or boat.

Syrian Arab Republic. Payment at the end of each month; or, if the remuneration is based on a share of the catch, every 15 days.

United Arab Emirates. Hourly overtime pay, and compensation for damage.

United Kingdom. TUC: Protection of wages.

ICMA. Include guidance on free time between trips, repatriation, description of the share system, recruitment and placement.

ICSF. Guaranteed minimum living wage according to national standards or the equivalent share of the catch, and prevention of under-evaluation of the catch so that the share accruing to workers is not diminished.

The majority of States (67) indicated that the Recommendation should provide guidance, on the basis of the elements contained in Convention No. 114, concerning the content of contracts or articles of agreement for work on board fishing vessels. However, a significant percentage did not support this.

Many States (49) indicated that the guidance should also include elements not addressed in Convention No. 114. The majority (52) agreed that insurance coverage for persons working on board fishing vessels in the event of injury, illness or death should be one of those elements. It was also noted that this should give effect to relevant provisions in the FAO Code of Conduct for Responsible Fisheries.

The majority of States (67) indicated that the Recommendation should provide guidance on contracts or articles of agreements (e.g. procedures concerning the examination prior to signing; signing and termination of contracts or articles of agreements; records of employment; circumstances for discharge) for work on board fishing vessels.

Only half of the replies (42) considered that the Recommendation should provide guidance on systems of remuneration and, where appropriate, systems based on a

share of the catch. Negative replies pointed out that these matters were negotiated between the fishing vessel master/owner and the crew, or suggested that the Recommendation might include guidance on the terms of remuneration in the contracts but not on the nature of the systems themselves. Affirmative replies proposed that the issues to be considered should include: the real value of the catch and the method of calculation of the share, a clear definition of the base-level salary to be paid in the event of immobilization of the vessel, the pro rata bonus shares of the catch, definition of the expenses borne by the fishing vessel owner, definition of common expenses; bonuses, payment as concerns by-catch and undersized fish, principles included in Recommendation No. 187, control of the sale process, transparency concerning the determination of the wages paid, or protection of wages. Several workers' organizations, as well as a number of States, advocated provision for a minimum wage.

Point 57 is based on a provision from Convention No. 114. *Point 58* attempts to promote protection for those fishers excluded from the scope of the Convention. This provision might be considered unnecessary, bearing in mind *Points 8* and *9* of the Proposed Conclusions with a view to a Convention.

C6. ACCOMMODATION AND PROVISIONS ON BOARD FISHING VESSELS

Qu. C6(a) *Should the Recommendation provide that States should have national laws and regulations concerning planning and control of crew accommodation on board fishing vessels?*

Affirmative

Governments: 73. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Mauritius, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia),

PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 7. China, India, Latvia, Lithuania, Malaysia, Myanmar, Switzerland.

Employers' organizations: LEC (Latvia), ECOT (Thailand).

Workers' organization: FTUS (Lebanon).

Other

Governments: 2. Costa Rica, Czech Republic.

Workers' organization: CDT (Morocco).

Comments

Argentina. Decent accommodation would prevent overcrowding and take into account voyage periods and number of crew.

Brazil. For new vessels and those already in operation, provision should be made for conditions of accommodation and for modernization of existing accommodation where possible.

Costa Rica. INS agrees, as this is part of compliance with OSH measures.

India. Traditional and motorized boats operating within territorial waters should be excluded.

Lebanon. Due account should be taken of the size of the vessel, areas of operation, periods at sea and existence of an appropriate inspection regime.

Namibia. As in the case of merchant vessels.

NEF: There should be independent surveys of vessels with regard to safety, etc., including accommodation and mess rooms.

Netherlands. This requirement should be in line with Council Directive 93/103/EC.

Oman. This should be done based on Convention No. 126.

Panama. ANDELAIPP: The type and activity of the vessel should be classified.

Portugal. It is indispensable for the modernization of fleets and the improvement of working and resting conditions for crew.

Qatar. In Qatar accommodation is inspected as part of the annual inspection of fishing vessels.

Russian Federation. It should provide for the responsibility of the State in this area for all organizations, irrespective of type or form of ownership.

Saudi Arabia. This should be done based on Convention No. 126.

Serbia and Montenegro. Exclude small boats engaged in artisanal near-shore fishing.

Trinidad and Tobago. This would prevent inappropriate accommodation and substandard conditions through imports of foreign vessels.

United States. The standards should be consistent with those of other industrial fleets within the nation.

ICMA. Given that in some countries fishing vessels are not inspected, there should be guidance on minimum construction and maintenance standards for crew accommodation.

ICSF. But only for multi-day fishing vessels.

Qu. C6(b) *Should the Recommendation provide guidance concerning standards of accommodation and of food and drinking water?*

Affirmative

Governments: 74. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Latvia, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), NUNW (Namibia), APOM (Panama), KSM NSZZ

Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF, IMHA.

Negative

Governments: 5. Bangladesh, Islamic Republic of Iran, Lebanon, Lithuania, Sweden.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), LEC (Latvia).

Other

Governments: 3. Kuwait, Syrian Arab Republic, Venezuela.

Employers' organization: ECOT (Thailand).

Workers' organizations: CDT (Morocco), SWTUF (Sudan).

Comments

Latvia. The National Board of Fisheries disagrees.

Russian Federation. The Recommendation should define a standard range of catering provisions and supplies necessary for living on board and specify that these expenses are tax-exempt.

IMHA. Guidelines on sanitation should apply.

If yes, these should cover:

Qu. C6(c)

Construction and location

Governments: 68. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Honduras, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), CCIAB, CCIAS (Lebanon), NEF (Namibia), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Ventilation

Governments: 75. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Heating

Governments: 70. Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Lighting

Governments: 73. Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia),

PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Sleeping rooms

Governments: 74. Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Sanitary accommodation

Governments: 74. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Costa Rica, Croatia, Cuba, Cyprus,

Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Noise and vibration

Governments: 72. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Bulgaria, Brazil, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU

(Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), PVIS (Netherlands), ICMA, ICSF.

Drinking water

Governments: 76. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Food

Governments: 75. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland,

France, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB, CCIAS (Lebanon), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Other issues

Argentina, CCUOMM, SOMU (Argentina), Panama, Zimbabwe suggest sick bays or infirmary facilities.

CCUOMM (Argentina), GTUWA (Egypt), *India, Lebanon, Mauritius, Panama, APOM (Panama), United Arab Emirates* propose space and/or facilities for recreation, entertainment or leisure.

GTUWA (Egypt), *El Salvador, Ireland, APOM (Panama)* advocate facilities and equipment for communication, e.g. with family, friends or the employer onshore.

Argentina. CCUOMM: Mess room, kitchen and laundry facilities.

Australia. Floor area, air space, lunch places, dressing rooms, seating, first aid, cleaning of interior of buildings and lock-up facilities.

Belgium. Working clothes.

Benin. Air conditioning.

Brazil. Fire prevention.

Republic of Korea. FKSU: Air conditioning.

Lebanon. Equipment safety as mentioned in the SOLAS Convention for commercial vessels. Due account should be taken of the need to provide for some of the matters mentioned above for small boats.

Mauritius. Facilities for taking meals; changing rooms and accommodation for clothing and belongings.

Portugal. Cooking, embarkation and disembarkation, organization and arrangement of space, electrical installation, emergency routes and exits, and fire detection and control.

Russian Federation. Tax exemption of expenses of the shipowner and crew members on catering provisions and normal living conditions on board.

Sierra Leone. SALFU: Fishing gear and safety equipment.

Spain. Emergency exits and passageways, rescue means and signals.

Comments

Algeria. Minimum standards should be established.

Fiji. The above items are necessary for healthy workers and a safe working environment.

Finland. Other issues should be covered, depending on vessel length and crew size.

Honduras. COHEP: Bunks and accommodation in groups should be accepted according to vessel size.

Italy. Fishing vessels operating up to six miles from the coast should be exempt.

Japan. There should be exemptions of vessels according to tonnage, length and time at sea.

Namibia. Refers to the Accommodation of Crews Convention (Revised), 1949 (No. 92), and Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133).

Netherlands. This requirement should be in line with Council Directive 93/103/EC.

Philippines. This is necessary for the preservation and promotion of the well-being of workers on board fishing vessels.

Serbia and Montenegro. Exclude small boats for artisanal near-shore fisheries spending not more than eight hours at sea.

Sudan. SWTUF: These items are particularly important on board large ships or vessels spending extended periods at sea.

Ukraine. An exception should be made for vessels engaged in coastal fishing.

ICSF. However, heating should only be required in cold latitudes.

ICMA. The Recommendation should provide guidance to port state and flag state inspectors on the requirements of the Convention. It is unrealistic to expect that independent vessel operators will voluntarily comply with the Recommendation without subsidies or insurance requirements.

Should the above guidance concerning accommodation and provisions on board fishing vessels make distinctions based on: **Qu. C6(d)**

Fishing vessel length

Governments: 45. Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Benin, Brazil, Burundi, Canada, China, Croatia, Ecuador, Egypt, Finland, France, Germany, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Kuwait, Latvia, Mauritius, Mozambique, Netherlands, Nigeria, Philippines, Portugal, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States,

Employers' organizations: EFE (Eritrea), MEDEF (France), COHEP (Honduras), CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Operating area

Governments: 48. Algeria, Argentina, Austria, Belarus, Benin, Brazil, Bulgaria, Burundi, Canada, China, Cuba, Ecuador, Egypt, Estonia, France, Greece, Iceland, India, Indonesia, Italy, Jamaica, Japan, Kuwait, Latvia, Malaysia, Mauritius, Mozambique, Namibia, Netherlands, New Zealand, Nigeria, Norway, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, United States.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), NUNW (Namibia), KSM NSZZ Solidarnosc,

PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: ICMA, ICSF.

Tonnage

Governments: 41. Algeria, Austria, Belarus, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Ecuador, Egypt, France, Greece, Guatemala, Iceland, India, Indonesia, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Mozambique, Myanmar, Nigeria, Panama, Philippines, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Spain, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), TUC (United Kingdom).

Other: ICMA.

Time a fishing vessel normally spends at sea

Governments: 63. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Jamaica, Japan, Kuwait, Mauritius, Mexico, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CGT, SOMU (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), PPDIV (Croatia), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), SLIMAPG (Guinea), JSU (Japan), CDT (Morocco), NUNW (Namibia),

APOM (Panama), ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), UFFC (Sri Lanka), SWTUF (Sudan), NATUC (Trinidad and Tobago).

Others: CCE (Belgium), AGCI PESCA (Italy), ICMA, ICSF.

Other

Australia, CGT (Brazil), EFE (Eritrea), *Greece*, COHEP (Honduras), *ICSF* propose the nature of fishing operations, methods or types of fishing in order to have applicable standards.

Australia, *ICMA* suggest the number of crew members (usual or maximum).

Argentina. Type of vessel.

Benin. Nature of the catch.

Italy. AGCI PESCA: Engine power.

Lebanon. Classification of the vessel with a standardization organization.

Sudan. SWTUF: Religious beliefs, e.g. prohibition of alcoholic drinks and drugs.

Trinidad and Tobago. Vessel characteristics.

Comments

Costa Rica. INS agrees with all items.

Eritrea. There is no need for distinctions based on the abovementioned points.

Ireland. HSA replies yes to all.

Japan. JSU: Long-term operation with a vessel that has only poor accommodation facilities, such as the current Japanese tuna fishing boat, is anachronistic and problematic from the humanitarian point of view.

Oman. The Ministry of Agriculture and Fisheries agrees to all.

Qatar. The longer the period spent at sea, the greater the need to provide accommodation, food and drinking water.

Trinidad and Tobago. ECA: These items are important in the event of an accident at sea and might be used as a mechanism for monitoring the safety and operation of the vessel.

Venezuela. Workers should be provided with the necessary conditions to spend long periods at sea.

The vast majority of States (73) indicated that there should be national laws and regulations concerning planning and control of crew accommodation on board fishing vessels. Some said that this should be in line with EU Council Directive 93/103/EC or with Convention No. 126. The vast majority (74) also agreed that the Recommendation should provide guidance concerning standards of accommodation, food and drinking water. A very large majority indicated that these should cover: construction and location (68), ventilation (75), heating (70), lighting (73), sleeping rooms (74), sanitary accommodation (74), noise and vibration (72), drinking water (76), and food

(75). Other issues suggested included: entertainment and communication facilities, infirmary facilities, working clothes, air conditioning, and fire prevention. Many replies stated that guidance on accommodation and provisions on board fishing vessels should make distinctions based on: fishing vessel length (45), operating area (48), tonnage (41) or time at sea (63). Others indicated that this could be based on: the number of crew, the nature of the catch, fishing methods, and vessel characteristics.

See commentary on Question B6.

C7. HOURS OF WORK AND REST

Qu. C7(a) *Should the Recommendation set out guidance concerning hours of work or rest periods?*

Affirmative

Governments: 69. Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Eritrea, Fiji, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lithuania, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), LO, TCO (Sweden), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF, IMHA.

Negative

Governments: 8. Bahrain, Belarus, Ecuador, Estonia, Islamic Republic of Iran, Saudi Arabia, Sweden, Thailand.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), LEC (Latvia).

Workers' organization: FTUS (Lebanon).

Other: PVIS (Netherlands).

Other

Governments: 5. Costa Rica, Germany, Lebanon, Netherlands, Tunisia.

Employers' organization: ECOT (Thailand).

Comments

Costa Rica. INS agrees.

Latvia. The National Board of Fisheries disagrees.

Lebanon. Only with regard to hours of rest. Hours of work are difficult to determine, considering the nature of maritime fishing, and should be left to national legislation.

Poland. Only the minimum period of rest should be specified.

Tunisia. There should be guidance concerning rest periods but not on hours of work, because the work schedule on board fishing vessels is fixed by the owner, who is the only one to determine embarking and disembarking times.

IMHA. The fishing industry should not be excluded from the maritime provisions in national legislation concerning health protection, employment agreements, social security (even for foreigners), insurance, etc.

If yes, please indicate what should be the limits of working hours or provisions for minimum rest periods. **Qu. C7(b)**

Algeria, CAPeCA/CALAPA/CAPA (Argentina), Czech Republic, Myanmar, NEF (Namibia), Poland, Federation of Fishing Sector Trade Unions (Portugal), NCTL (Thailand) consider that the minimum rest period should be eight hours per 24-hour period.

CAPeCA/CALAPA/CAPA (Argentina), Brazil, INS (Costa Rica), PPDIV (Croatia), Malaysia, Nigeria, Russian Federation, Spain consider that the maximum working hours should be fixed at 12 hours per 24-hour period.

CCUOMM (Argentina), Belgium, Latvia, KSM NSZZ Solidarnosc (Poland), Tunisia, United Arab Emirates feel that the minimum rest period should not be less than ten hours per day.

Benin, Burundi, GTUWA (Egypt), Eritrea, Fiji, MDU (Ghana), Guatemala, Oman, Philippines, Portugal, Serbia and Montenegro, SALFU (Sierra Leone), Syrian Arab Republic, NATUC (Trinidad and Tobago), Zimbabwe advocate a workday not exceeding eight hours.

UFAWU-CAW (Canada), ESA/Estonian Fishermen's Association (Estonia), SLIMAPG (Guinea), Qatar, Romania, SALFU (Sierra Leone), Spain suggest the minimum rest period should be six hours.

Argentina: CCUOMM: Six continuous hours of rest should be provided.

Australia. Some Australian provisions provide for ten minutes' rest after four hours' work.

Austria. A daily minimum continuous rest period of 11 hours should be provided. It should be made possible for ratifying States and social partners by virtue of an administrative regulation or by agreement to permit this rest period to be calculated over a longer period. In this regard, the Holidays with Pay Convention (Revised), 1970 (No. 132), and the Night Work Convention, 1990 (No. 171), should be taken into consideration.

Belgium. An average of 48 hours per week, calculated on the basis of a maximum reference period of 12 months. The minimum rest period should not be less than 77 hours per seven-day period. Hours of rest should not be divided into more than two periods, of which one must last at least six hours, and the interval between consecutive rest periods should not be more than 14 hours.

Brazil. The number of days at sea should correspond to the number of days on land.

CGT: Account should be taken of the fact that there may be obstacles preventing fishing.

Estonia. Estonian Water Transport Workers Federation: Working time should not be longer than 14 hours per 24-hour period.

France. The minimum rest period should include a six-hour block within an overall rest period to be determined.

Gabon. CSG: Taking into account internal arrangements on vessels, there should be ten hours of work, eight hours of sleep and six hours of rest.

Guatemala. The working period for night-time fishing (6:00 p.m. to 6:00 a.m.) should be six hours.

Guinea. SLIMAPG: Six hours of work.

Japan. The limit on working hours, except for the hours of fishing operations, should be eight hours per day and 40 hours per week. The minimum rest period during fishing operations should be ten hours per day (if exceptionally necessary, 18 hours per two days) or eight hours per day (if exceptionally necessary, 16 hours per two days) according to the type or tonnage of vessel.

JSU: Although a limit of working hours that will hinder operations (e.g. eight hours per day) is not acceptable, the Recommendation should provide guidance on maximum working hours.

Mauritius. Same as in the IMO STCW Convention.

Myanmar. Ten working hours.

Namibia. NEF: An average of 12 hours of work per sea-day per trip, not exceeding 16 hours on duty.

Oman. A maximum of 48 hours per week. The minimum rest period should not be less than 30 minutes for every six hours of work.

Philippines. It is the duty of employers, whether operating for profit or not, to provide employees a rest period of not less than 24 consecutive hours after every six consecutive working days.

Poland. KSM NSZZ Solidarnosc: The minimum period of rest should not be less than 72 hours in any seven-day period. Periods of rest may be divided into no more than two periods, one of which should be at least six hours. Intervals between periods of rest should not exceed 14 hours.

Portugal. Efforts should be made to bring working time into line with normal hours of work (e.g. 40 hours per week, two days' weekly rest, 11-hour interval between working days). In view of the seasonal nature of certain types of fishing, recommend the use of mechanisms to achieve flexibility and adapt hours of work. The advantages include improving workers' quality of life, enabling them to reconcile working and family life, and allowing the recovery of fish stocks.

Qatar. It is important to distinguish between periods of rest on board and between trips. Work periods are set at 48 hours per week in Qatar.

Romania. CNS Cartel Alfa: Maximum hours of work should be ten hours per day.

Russian Federation. One of the rest periods should be not less than eight hours in a 24-hour period. Where necessary, it should be possible to organize a three-watch schedule during fishing operations.

Saint Vincent and the Grenadines. Six hours of work per day.

Spain. There should be mechanisms for granting compensatory rest.

Sri Lanka. UFFC: The minimum rest period between fishing trips should be one-and-a-half full days per five days at sea, excluding maintenance of nets or re-equipping and preparing the vessel.

Sudan. SWTUF: Fishing operations should not last more than six hours per day.

Switzerland. Ten hours of work and at least five hours of rest.

Trinidad and Tobago. There should be a normal rest period when the vessel is not fishing at sea. During fishing operations, hours of work cannot be limited because interruptions would have an impact on the catch.

United Arab Emirates. Maximum hours of work of 14 hours, and a period of rest divided into two periods.

United States. In the United States there are only work hour provisions for licensed officers on vessels over 200 GT who are in a watch rotation. Generally, these requirements take into account the route of the vessel (inland, coastwise or ocean) and the length of the voyage. For example, with respect to "coastwise" or "ocean" routes, licensed personnel on navigational or engineering watches must receive at least ten hours of rest per day, six of which must be uninterrupted, but there are exceptions for situations in which persons or property may be endangered.

USCIB: Maximum hours of work should be 16 in any 24-hour period.

Comments

Australia. Prescriptive advice is not recommended, but rather general guidelines as a basis for reducing incidents due to fatigue. The guidance should set out examples of limits and

provisions, in a performance framework, and take into account the type of work, prevailing conditions, workload, organization and individual factors.

Bahrain. It depends on the fish catch, i.e. whether this period is intermittent (rest period between each fishing operation) or continuous.

Ecuador. The binding Convention should contain provisions on these aspects.

Egypt. This should be determined by the flag state administration.

Finland. Account should be taken of Council Directive 93/104/EC.¹⁴

Greece. Refers to article 17(b) of Directive 2000/34/EC.

Hungary. The guidance provided should be in accordance with Council Directive 1999/63/EC.¹⁵

Ireland. The Marine Survey Office suggests referring to the appropriate EU Directive.

Italy. The limits should correspond to those provided in Convention No. 180.

Confcooperative: The various fishing techniques should be taken into account.

Jamaica. This would depend on the type of fishing.

Morocco. CDT: The different types of vessels and fishing should be taken into account.

Namibia. Refer to Convention No. 147.

New Zealand. This should be aligned with the STCW-F Convention.

Norway. Directive 2000/34/EC should be used as the basis for deliberation on this matter. The focus should be on minimum rest periods.

Panama. This should be in accordance with the STCW-F Convention.

APOM: The provisions should be consistent with Convention No. 180.

United Kingdom. For EU countries these are covered by the provisions of Directive 2000/34/EC.

Venezuela. Working hours and rest periods depend on the type of fishing and the hazards to which workers are exposed.

ICMA. The hours of work/rest provisions should be based on scientific fatigue research.

ICSF. The minimum period of rest could be specified, rather than limits on working hours.

The vast majority of States (69) indicated that the Recommendation should cover hours of work or rest periods. There were many different replies to the question of what should be the limits of working hours or provisions for minimum rest periods. Several countries referred to STCW-F provisions, EU Council Directive 2000/34/EC or Convention No. 180.

See commentary on Question B8.

¹⁴ See Annex II to this report.

¹⁵ See Annex II to this report.

C8. OCCUPATIONAL SAFETY AND HEALTH

Should the following issues be addressed in the Recommendation:

Qu. C8(a)

The inclusion of fishing occupational safety and health issues in an integrated national policy on occupational safety and health

Governments: 72. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), MEDEF (France), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Rights and duties of fishing vessel owners and of persons working on board fishing vessels in the area of occupational safety and health

Governments: 76. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia,

Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), LEC (Latvia), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Where appropriate, safety management systems

Governments: 67. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Fiji, Greece, Honduras, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Malaysia, Mauritius, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Personal protective equipment

Governments: 79. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Guarding of machinery

Governments: 72. Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Fiji, France, Greece, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

The recording and notification of accidents, injuries and fatalities

Governments: 77. Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Investigation of occupational accidents

Governments: 73. Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA (Italy), PVIS (Netherlands), ICMA, ICSF.

Other issues

Australia. Appropriate safety training.

Belgium. Contagious diseases.

Egypt. Investigation of individual incidents among crew members.

France. Use of a safety management system adapted to the type of fishing vessel.

Ireland. Manual handling and lifting equipment on board vessels, standard system of accident reporting, collection and presentation.

Mozambique. Inspection service for equipment safety.

Norway. Systematic risk assessment and management, introduction of joint on-board and/or regional tripartite accident prevention committees.

Spain. Means of rescue and fire-fighting, which are basic safety issues on board fishing vessels.

Trinidad and Tobago. ECA: Number of employees.

United States. Voluntary system of reporting near injuries or casualties such as that used for federal air administrations.

ICMA. Guidelines on notifying next of kin of deaths and accidents, release of information to them from investigations, provision of communication facilities for private use by crew.

Comments

Argentina. Referring to the notification of accidents, standardized forms should be considered for this area of activity.

Australia. Many of these issues are dealt with under IMO standards and ILO Conventions Nos. 155, 133 and 92.

Canada. UFAWU-CAW: Safety and health standards should be at least equal to those provided on shore.

Costa Rica. INS agrees with all.

Honduras. COHEP: Information should be provided in the language of the seafarers concerned.

Ireland. Council Directive 93/103/EC should be reviewed to include vessels 10 m in length and above.

Latvia. National Board of Fisheries: Rights and duties, personal protective equipment and guarding of machinery.

Lebanon. Due account should be taken of the size of the ship and its range of operation, as safety management systems, for example, might not be necessary on fishing boats.

Mozambique. This ensures that fishing activities are successfully performed, avoiding the risk of accidents, injuries and fatalities, and that the equipment used is the most appropriate for the protection of people working on board fishing vessels.

Netherlands. This requirement should be in line with Council Directive 93/103/EC.

The vast majority of States indicated that the Recommendation should address: inclusion of fishing occupational safety and health issues in an integrated national policy on occupational safety and health (72); rights and duties of fishing vessel owners and persons working on board fishing vessels in the area of occupational safety and health (76); safety management systems, where appropriate (67); personal protective equipment (79); guarding of machinery (72); recording and notification of accidents, injuries and fatalities (77); and investigation of occupational accidents (73). Other issues suggested for inclusion were: safety training; contagious diseases; inspection; risk assessment and management; joint on-board and/or regional tripartite accident prevention committees; voluntary system of reporting near injuries or casualties; guidelines on the notification of next of kin of deaths and accidents, release of information to them from investigations, and provision of communication facilities for private use by crew.

Points 63 to 68 provide additional guidance with regard to occupational safety and health of fishers. *Point 66* contains a list of issues that should be addressed, to the

extent practicable and as appropriate to the conditions in the fishing sector. *Point 67* seeks to respond to views expressed at the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector. *Point 68* draws upon a provision of the List of Occupational Diseases Recommendation, 2002 (No. 194). This last provision might also be relevant to the issue of social security protection.

C9. SOCIAL SECURITY

Should the Recommendation include guidance on social security provisions for persons working on board fishing vessels? **Qu. C9(a)**

Affirmative

Governments: 72. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, France, Germany, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), CCIAB, CCIAS (Lebanon), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Negative

Governments: 5. Australia, China, Finland, Greece, Netherlands.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), LEC (Latvia), NEF (Namibia).

Other: PVIS (Netherlands).

Other

Governments: 5. Costa Rica, Denmark, Nigeria, Sweden, Trinidad and Tobago.

Comments

Argentina. The national fishing legislation provides for the creation of a registry of all the people involved in this activity, and of the employers affiliated to the Occupational Risk System. This is necessary, particularly in view of the physically exhausting and hazardous nature of the work and the fact that the active working life of workers in this sector is shortened.

Australia. ILO social security standards already apply to the fishing industry.

Brazil. Fishermen should be entitled to an old-age pension, length of service pension, death benefit, disability benefit, occupational accident insurance and unemployment insurance for the period during which it is prohibited to fish certain species, in the case of artisanal fishing that is exclusively family-based.

Costa Rica. INS agrees.

Finland. As the organization, structure and administration of social security schemes vary considerably in different countries, it is impossible to give guidance at the global level.

Greece. This should be regulated by the legislation of the flag State and/or State of nationality.

Ireland. The Marine Survey Office disagrees.

Japan. In view of the specific employment status of persons on board fishing vessels, there should not be general guidance on social security provisions.

Latvia. The National Board of Fisheries disagrees.

Lebanon. Guidance in the form of minimum social security benefits would be important, considering the contents of Convention No. 102.

Netherlands. Special provisions are not necessary because national fishing workers are treated in the same way as other categories of employees.

Nigeria. Adequate protection and compensation should be provided to workers and their families.

Norway. Fishermen should have the same level of social protection as that provided to workers in general, given the nature of their employment relationship. This should include share fishermen who are "self-employed". Fishermen should be integrated into the social security system for all workers.

Panama. APOM: Except for artisanal vessels operated only by the owner, all employees should be part of a social security plan.

Philippines. This is to ensure that the interests and welfare of the fishing vessel owner/operator and workers are treated equally and to create a climate conducive to understanding, cooperation and compromise.

Portugal. Provided that they are the same as for other workers.

Qatar. However, working conditions differ from one country to the next, wages on board fishing vessels are usually based on the catch-sharing system, and workers are considered as self-employed.

Russian Federation. A provision should guarantee social security coverage of persons working on board vessels placed on a second register or leased by foreign shipowners/employers.

Saudi Arabia. A study should be made of fishermen's conditions and social environment to determine the categories to be covered by social security provisions.

Spain. A list of benefits to which fishermen are entitled should be included, with the possibility of extending it.

Sweden. Fishermen should be integrated into the social security system for all workers.

United Kingdom. TUC: TUC proposed at the International Labour Conference in 2003 to initiate a campaign for universal ratification of the central social security and OSH instruments, because these embody principles that are fundamental elements of decent work.

ICSF. Irrespective of the existence of a national social security system, the fishing sector should be brought under the purview of social security, given the hazardous nature of the occupation.

Should the guidance include the following benefits (please specify the reasons for your choice): **Qu. C9(b)**

Medical care

Governments: 63. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Malaysia, Mexico, Mozambique, Myanmar, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB (Lebanon), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri

Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Sickness benefit

Governments: 61. Algeria, Argentina, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Germany, Guatemala, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mauritius, Mexico, Mozambique, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB, CCIAS (Lebanon), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Old-age benefit

Governments: 57. Algeria, Argentina, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Germany, Guatemala, Honduras, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mexico, Mozambique, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Russian Federation, Serbia and Montenegro, Spain, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB, CCIAS (Lebanon), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia),

PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Employment injury benefit

Governments: 66. Algeria, Argentina, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mexico, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Maternity benefit

Governments: 53. Algeria, Argentina, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Germany, Honduras, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Mauritius, Mexico, Mozambique, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Russian Federation, Serbia and Montenegro, Spain, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Venezuela.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB (Lebanon), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Invalidity benefit

Governments: 62. Algeria, Argentina, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Germany, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Mexico, Mozambique, Myanmar, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Survivors' benefit

Governments: 55. Algeria, Argentina, Austria, Bangladesh, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Germany, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Mexico,

Mozambique, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), CCIAB (Lebanon), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Unemployment benefit

Governments: 47. Algeria, Argentina, Austria, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Guatemala, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Lebanon, Mauritius, Mozambique, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Serbia and Montenegro, Spain, Switzerland, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Zimbabwe.

Employers' organizations: EFE (Eritrea), CCIAB (Lebanon), ECOT (Thailand), USCIB (United States).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Family benefit

Governments: 49. Algeria, Argentina, Austria, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, France, Germany, Guatemala, Honduras, Iceland, Indonesia, Islamic Republic of

Iran, Ireland, Italy, Jamaica, Kuwait, Lebanon, Mauritius, Mexico, Mozambique, Nicaragua, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Thailand, Tunisia, Turkey, Ukraine, United Kingdom, Venezuela.

Employers' organizations: EFE (Eritrea), COHEP (Honduras), CCIAB (Lebanon), ECA (Trinidad and Tobago).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FTUS (Lebanon), CDT (Morocco), NUNW (Namibia), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Comments

Brazil. Survivors' benefit should only be granted where national legislation does not provide for unemployment or occupational injury/disease benefit.

Costa Rica. INS agrees with all items except unemployment benefit.

Croatia. PPDIV: Unemployment benefit depends on the time spent at sea.

Egypt. Given the gruelling nature of work on board fishing vessels and the potential for accidents, these workers and their families require assistance.

Fiji. Social security benefits should be similar to those enjoyed by other workers in the State where the vessel is registered.

France. In France, the social security system for seafarers covers different branches of insurance – accident, illness, maternity, invalidity, death, old age – and family benefits. Unemployment comes under a separate plan.

Honduras. COHEP: The worker should comply with the requirement to pay the contributions that give him/her access to social security. This should also be an option for self-employed persons.

Ireland. HSA does not agree with regard to medical care, old-age benefit, employment injury benefit and family benefit.

Italy. Confcooperative: To ensure equality with other maritime workers.

Jamaica. The old-age benefit should be based on the terms of employment. The guidelines should be general and should take account of conditions in developing countries.

Japan. The Convention should classify the benefits. The term "family benefit" is unclear.

Lebanon. FTUS: Workers in the fishing sector are deprived of earnings during the winter because of conditions at sea.

Mauritius. The Recommendation should only include sickness, maternity, unemployment and family benefit, while the others should be included in the Convention.

Norway. The hazardous nature of fishing means that death, sickness and injury benefits are particularly important for fishermen and their families. Norway has a special social security system for fishermen: a “product fee” finances most of their social costs. There is ongoing work in Norway to grant fishermen the social security benefits applicable to other workers.

Oman. The Ministry of Agriculture and Fisheries agrees with all the benefits.

Philippines. However, fishing vessels operating in area “E” should be excluded.

Portugal. Medical care could be provided under the national health services or in the framework of the social security system.

Qatar. Benefits other than those linked to occupational accidents and injuries cannot apply to workers on board fishing vessels, especially if they are non-nationals (e.g. migrant workers).

Spain. Supplementary benefits should be provided in cases of occupational accidents directly caused by the lack of OSH measures.

United Kingdom. The “employment injury benefit” would extend only to those fishermen who are employed earners and therefore covered in the same way as mariners. The United Kingdom industrial injuries scheme does not cover self-employed workers, and this restriction applies equally to share-fishermen.

United States. USCIB: Fishing workers who pay tax into the State’s social security fund should have access to the same benefits as non-fishing workers. In the United States, medical care is covered by the private insurance system and is not mandatory. Old-age benefit is provided based on each State’s eligibility and benefit formulas. The employment injury benefit should only address any job-related injury or occupational illness as provided for by national law and practice. Maternity benefit is not provided except under private disability insurance policies. Unemployment benefit is provided if the eligibility requirements are met under national law and practice. Sickness, invalidity and family benefits are not provided.

ICMA. As most fishing vessel crews are not required to possess merchant mariner documents and are thus not exposed to the formal training that many merchant mariners receive, they are generally unaware of their rights and benefits.

The vast majority of States (72) agreed that the Recommendation should include guidance on social security provisions for persons working on board fishing vessels. Some stated that this matter should be left to national laws and regulations of the flag State, that social security standards already applied to the fishing sector, or that fishing workers should be treated in the same way as other categories of employees. There were different degrees of support for guidance on medical care (63), sickness (61), old-age (57), employment injury (66), maternity (53), invalidity (62), survivors’ (55), unemployment (47) and family (49) benefits. Many replies commented in particular on the importance of employment injury, medical care and survivors’ benefit, bearing in mind the risks inherent in the fishing sector.

Point 69 provides guidance on means by which member States might be able to measure progress achieved in the progressive extension of social security protection to all fishers. *Point 70* is drawn from Convention No. 102, Article 38, and Convention No. 121, Article 9(3)). *Point 71* is drawn from Convention No. 102, Article 70, and Convention No. 121, Article 23. *Point 72* provides guidance on the protection of the rights of foreign fishers working on vessels flying the flag of a member State.

C10. REGISTER OF PERSONS WORKING ON BOARD FISHING VESSELS

Qu. C10(a) *Should the Recommendation include provisions concerning maintenance by the competent authority of a register of persons working on board fishing vessels?*

Affirmative

Governments: 67. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, China, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Serbia and Montenegro, Spain, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, United Arab Emirates, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), MEDEF (France), COHEP (Honduras), LEC (Latvia), CCIAB, CCIAS (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union (Estonia), CSG (Gabon), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), CDT (Morocco), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), ICMA, ICSF.

Negative

Governments: 10. Australia, Denmark, Finland, Japan, Netherlands, New Zealand, Romania, Sweden, Trinidad and Tobago, United Kingdom.

Employers' organizations: ECOT (Thailand), USCIB (United States).

Workers' organizations: Estonian Water Transport Workers Federation (Estonia), FTUS (Lebanon).

Other: PVIS (Netherlands).

Other

Governments: 5. Canada, Czech Republic, Panama, Thailand, United States.

Workers' organizations: SLIMAPG (Guinea), SWTUF (Sudan), USS (Switzerland).

Comments

Brazil, Burundi, Fiji, COHEP (Honduras), Mozambique, Portugal, Qatar, Spain, TUC (United Kingdom) consider this essential for the competent authorities in matters such as safety supervision, monitoring of work on fishing vessels or control of compliance with the legislation (e.g. health and social security).

Brazil, Norway, Saudi Arabia, Venezuela state that registers enable the collection of accurate statistics about the workforce in the fishing sector.

Algeria. In order to ensure better follow-up of the careers of registered maritime workers.

Argentina. It would be important to have the closest relationship possible between the authorities involved.

CAPECA/CALAPA/CAPA: This register should be managed on a tripartite basis.

Bangladesh. This is necessary for identifying fishing workers.

Brazil. There should be a national fishing register for the purpose of policies promoting the sector.

Canada. UFAWU-CAW: All too often, no one knows who is on board.

Costa Rica. INS considers that the register should be held by the port authority.

Estonia. A specific register for fishermen is not essential, as they could be included in the national seafarers' register.

Ireland. The Marine Survey Office and HSA disagree.

Japan. Registration is not the only method to protect workers on board fishing vessels. This provision is inappropriate, given that no Convention on commercial vessels contains such a requirement.

Norway. It would be useful to know the number and identity of fishers for developing policies.

Oman. The register helps to regulate the profession, and gather information about its problems and working conditions, and facilitates studies and surveys about legislation governing it.

Panama. This would be almost impossible, as the only monitoring that can be carried out is the number of licences issued by category.

Portugal. In order to have information about those on board in the event of serious accidents (e.g. shipwrecks).

Russian Federation. There should be a provision on the responsibility of the port maritime administration.

Saudi Arabia. In order to give due consideration to security aspects and to consult registers in the event of problems between fishermen and employers.

Sri Lanka. UFFC: Vessels of categories “D” and “E” should be excluded.

Sudan. SWTUF: Such registers are especially established for emergencies and medical care.

United Kingdom. A record of certificated persons should be maintained.

Views shared by several workers’ organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), PSU (Poland), RPRRKh (Russian Federation), SALFU (Sierra Leone), TUC (United Kingdom): This will be essential for manpower planning.

ICMA. Fishing vessels often hire untrained and unqualified persons. This practice increases the risk of injury and death for them and their shipmates.

The majority of States (67) indicated that the Recommendation should include provisions concerning maintenance by the competent authority of a register of persons working on board fishing vessels. Reasons given for keeping such a register included: that it would allow better follow-up of the careers of registered maritime workers; that it could be used to promote the sector; to collect statistics and to monitor or supervise health and safety; for security purposes; to facilitate studies on work in the fishing sector; and to control the hiring of untrained and unqualified persons. Some replies said that such a register would be unnecessary, inappropriate or impossible to implement. Others indicated that fishers could be included in the national register for seafarers. It was pointed out that there should be information about those on board in the event of an accident.

The Office notes that there was majority support for a provision concerning the maintenance of a register of fishers. The Tripartite Meeting of Experts on Labour Standards for the Fishing Sector had also expressed qualified support for the inclusion of such a provision. However, concerns have been expressed regarding its purpose. The Office considered that there could be a number of reasons to maintain such a register, most of which were mentioned in the replies. After further consideration, it has not proposed a stand-alone provision on such registers, as this is more appropriately dealt with in separate parts of the proposed Convention or proposed Recommendation, but has included a provision (*Point 27*) in the Convention requiring that the vessel carry a list of the fishers on board, with a copy ashore. This would appear to be essential for purposes of safety and rescue and for contacting persons ashore (e.g. medical doctors or dependants) in the event of emergencies at sea.

C11. FISHERIES OBSERVERS

Qu. C11(a) *Should the Recommendation provide guidance concerning the conditions of work of fisheries observers on board fishing vessels?*

Affirmative

Governments: 54. Algeria, Argentina, Bahrain, Bangladesh, Benin, Brazil, Bulgaria, Burundi, Canada, Croatia, Ecuador, Egypt, El Salvador, Eritrea, Estonia,

Greece, Guatemala, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Jamaica, Japan, Kuwait, Lebanon, Lithuania, Mauritius, Mozambique, Myanmar, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Oman, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, United States, Zimbabwe.

Employers' organizations: EFE (Eritrea), ESA/Estonian Fishermen's Association (Estonia), COHEP (Honduras), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, SOMU (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), PPDIV (Croatia), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), SLIMAPG (Guinea), CDT (Morocco), NUNW (Namibia), APOM (Panama), ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), RPRRKh (Russian Federation), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NATUC (Trinidad and Tobago).

Others: AGCI PESCA (Italy), ICMA.

Negative

Governments: 22. Australia, Belarus, Belgium, China, Cuba, Fiji, Finland, France, Germany, Honduras, India, Italy, Republic of Korea, Latvia, Malaysia, Mexico, Netherlands, Saudi Arabia, Sweden, Switzerland, Turkey, Venezuela.

Employers' organizations: CAPECA/CALAPA/CAPA (Argentina), MEDEF (France), LEC (Latvia), CCIAS (Lebanon), ECOT (Thailand).

Workers' organizations: CGT, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), FTUS (Lebanon), KSM NSZZ Solidarnosc, PSU (Poland), CNS Cartel Alfa (Romania), SALFU (Sierra Leone), NCTL (Thailand), TUC (United Kingdom).

Others: CCE (Belgium), Confcooperative (Italy), PVIS (Netherlands), ICSF.

Other

Governments: 6. Austria, Costa Rica, Cyprus, Czech Republic, Denmark, Panama.

Comments

Costa Rica. INS agrees.

Ireland. The Marine Survey Office and HSA disagree.

Lebanon. Provided that the ship operates in the EEZ of another State.

Panama. First, the functions of “fisheries observers” would have to be defined, as this is a Convention dealing with owner and crew obligations with regard to work on fishing vessels.

Qu. C11(b) *If yes, what should be included in such guidance?*

Algeria, Bahrain, Canada, Ecuador, India, Nigeria, ANDELAIPP (Panama), Russian Federation, SALFU (Sierra Leone), SWTUF (Sudan) propose guidelines on rights, competencies and powers arising of their assignment and/or responsibilities and duties, so as to not to interfere with work on board fishing vessels.

Algeria, Bulgaria, Oman, Portugal, Spain, Trinidad and Tobago propose guidance on food and water.

Algeria, CCUOMM (Argentina), Bulgaria, Egypt, GTUWA (Egypt), El Salvador, Jamaica, Japan, Oman, Philippines, Portugal, Qatar, Spain, SWTUF (Sudan), Trinidad and Tobago, ICMA suggest guidance on accommodation.

Bahrain, GTUWA (Egypt), EFE (Eritrea), CDT (Morocco), Oman, Qatar, Serbia and Montenegro, Spain, Thailand, Trinidad and Tobago, Zimbabwe advocate guidance on OSH.

Bahrain, Myanmar, Nigeria, Serbia and Montenegro, Trinidad and Tobago recommend guidance concerning social security benefits and allowances.

India, Philippines, Sierre Leone suggest guidance on remuneration.

Bahrain. Medical examination, qualifications.

Bulgaria. Medical care.

Eritrea. EFE: Working hours, sick leave, annual leave, leave for family events, public holidays.

Gabon. CSG: Ensuring that observers do not carry any diseases and that their overalls are disinfected before embarkation.

Guinea. SLIMAPG: Hours of work, time and place of work.

Mozambique. Instruments and equipment enabling the observers to perform their duties successfully.

New Zealand. There should be no impediment to the work of observers and they should be treated with respect and courtesy.

Oman. Medical care.

Panama. APOM: Regular visual inspections by the competent authority.

Portugal. Suitable individual protective equipment.

Serbia and Montenegro. Contracts.

Spain. Medical care, rescue measures, safety, food and accommodation.

Sudan. SWTUF: Incentives, overtime and travel allowances.

United Arab Emirates. Extra wages for extra work.

United States. USCIB: Protection from interference or harassment by members of the crew in the conduct of their work.

ICMA. Familiarization with fishing operations on the type of vessel on which they will be working.

Comments

CGT (Brazil), COHEP (Honduras), *Jamaica, Mauritius, New Zealand, Norway, Oman, Serbia and Montenegro, United Kingdom*, USCIB (United States): Fisheries observers should enjoy at least the same rights or working and living conditions as crew members on board fishing vessels.

Brazil. It should include similar provisions to those contained in the UNCLOS Convention.

Ireland. Observers should complete a safety checkbook recording the vessel's safety equipment, welfare facilities, emergency equipment, etc., so that over a period of time only vessels with good safety standards would be selected for surveys.

Lebanon. The guidance should take into account UNCLOS and the protection of the marine environment where fishing takes place. The coastal State should monitor events.

Norway. Persons working on board for shorter or longer periods should be covered by the safety regulations. The master and the crew should prepare for observers. The guidance should focus on ensuring the best possible working conditions for observers and their effective contribution to normal fishing operations.

United States. Any guidance should correspond to the duties of fisheries observers rather than fisheries workers.

The majority of States (54) indicated that the Recommendation should provide guidance concerning the conditions of work of fisheries observers on board fishing vessels. However, a substantial number of replies opposed this. It was suggested that such guidance could cover: rights and duties, accommodation, food and water, occupational safety and health, social security, medical examination, qualifications, working hours, leave, protection against interference in the performance of their duties, and familiarization with fishing operations.

At the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector, however, the Worker participants generally supported giving fisheries observers appropriate protection and safety training to ensure that they were not a danger to the crew, while the Employer participants emphasized that observers did not have links to the employers and should not be covered. Several Government participants also felt that there should be a clear definition of the term "fisheries observer". Bearing the above in mind, the Office has not included a separate provision on fisheries observers but has instead drafted the provisions on occupational safety and health to reflect the presence of other persons (which could include observers) (*Point 64*) and to provide them with the necessary protection. The Conference may wish to discuss this issue further.

C12. APPLICATION WITHIN THE EXCLUSIVE ECONOMIC ZONE

Qu. C12(a) *Should the Recommendation provide that coastal States should require, when they grant licences for fishing in their exclusive economic zones, that fishing vessels conform with the standards of this Convention?*

Affirmative

Governments: 68. Algeria, Argentina, Bahrain, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Canada, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, France, Germany, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Jamaica, Japan, Republic of Korea, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United States, Venezuela, Zimbabwe.

Employers' organizations: CAPeCA/CALAPA/CAPA (Argentina), EFE (Eritrea), COHEP (Honduras), CCIAB (Lebanon), NEF (Namibia), ANDELAIPP (Panama), ECOT (Thailand), ECA (Trinidad and Tobago), USCIB (United States), EMCOZ (Zimbabwe).

Workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), CGT (Brazil), CAW-Canada, UFAWU-CAW (Canada), UNIMPESCOL (Colombia), PPDIV (Croatia), SiD (Denmark), GTUWA (Egypt), Estonian Fishery Workers Trade Union/Estonian Water Transport Workers Federation (Estonia), CSG (Gabon), MDU (Ghana), SLIMAPG (Guinea), KPI (Indonesia), JSU (Japan), FKSU (Republic of Korea), NUNW (Namibia), APOM (Panama), KSM NSZZ Solidarnosc, PSU, ZZMiR (Poland), Federation of Fishing Sector Trade Unions (Portugal), CNS Cartel Alfa (Romania), RPRRKh (Russian Federation), SALFU (Sierra Leone), UFFC (Sri Lanka), SWTUF (Sudan), USS (Switzerland), NCTL (Thailand), NATUC (Trinidad and Tobago), TUC (United Kingdom).

Others: CCE (Belgium), AGCI PESCA, Confcooperative (Italy), PVIS (Netherlands), ICMA, ICSF.

Negative

Governments: 4. Australia, China, Mexico, Syrian Arab Republic.

Employers' organizations: ESA/Estonian Fishermen's Association (Estonia), LEC (Latvia), CCIAS (Lebanon).

Workers' organization: FTUS (Lebanon).

Other

Governments: 10. Austria, Czech Republic, Denmark, Finland, Greece, Mozambique, Nigeria, Saudi Arabia, Thailand, United Kingdom.

Employers' organization: MEDEF (France).

Workers' organization: CDT (Morocco).

Comments

Algeria. To ensure better enforcement of the provisions of the Convention.

Argentina. Special provisions should be included that do not prejudice the worker with regard to more favourable provisions.

El Salvador. States must guarantee compliance with international standards.

Eritrea. Such guidance is necessary to standardize the fishing vessels working in the EEZ.

Gabon. CSG: If a State has ratified a Convention, it is with the aim of enforcing it for fishing vessels within its waters.

Guinea. SLIMAPG: In order to oblige flag States to ratify and abide by international Conventions.

Republic of Korea. PSC should be enforced in order to ensure the effectiveness of the Convention and to exclude substandard fishing vessels such as FOC fishing vessels.

Latvia. The National Board of Fisheries disagrees.

Lebanon. Provided that the State and, in conformity with UNCLOS and other international instruments, the coastal State involved have ratified this Convention.

Netherlands. PVIS: However, those States should not deviate from the Convention.

Nigeria. There should be information on availability of stocks, methods of exploitation and existing national legislation.

Norway. This would ensure that the Convention is broadly ratified and implemented. The ILO is encouraged to evaluate whether this should be a requirement so that all foreign vessels will have to adapt to the Convention before being granted the right to fish, irrespective of their flag.

Philippines. This should apply to foreign-owned/based fishing vessels with workers who are not their own nationals.

Russian Federation. This is a prerequisite for preserving national maritime bioresources, ensuring safe operation of the vessel and guaranteeing normal working and living conditions on board.

Spain. This would be an optimal measure to control compliance with the standard and to harmonize working conditions in the different States.

Sudan. SWTUF: The coastal State, as signatory, should be bound by the Convention, as is any vessel operating in its waters.

Thailand. ECOT: In the case of fishing in the EEZ, there should rather be international sanctions, so that private ships do not suffer from conflicts between States.

Views shared by several workers' organizations: CCUOMM, CGT, SOMU, UMAFLUP (Argentina), UNIMPESCOL (Colombia), SiD (Denmark), MDU (Ghana), KPI (Indonesia), JSU (Japan), KSM NSZZ Solidarnosc, PSU (Poland), SALFU (Sierra Leone), TUC (United Kingdom): However, there should be an express provision to the effect that this should not result in fishers suffering any disadvantage through such a requirement preventing the application of more favourable national laws and regulations.

ICMA. This concept could also be part of the Convention.

A large majority of States (68) considered that the Recommendation should provide that coastal States should require, when they grant licences for fishing in their exclusive economic zones, that fishing vessels comply with the standards of the Convention. It was also pointed out that this should not prevent the application of more favourable national laws and regulations.

At the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector, some Employer experts expressed concern over the possible inclusion of such a provision, while the Worker experts and several Government experts supported it. The Office believes that *Point 73* does not conflict with provisions of UNCLOS. It will seek further clarification on this issue prior to the Conference.

C13. OTHER ISSUES

Qu. C13(a) *Please indicate any other issues which should be addressed in the Recommendation.*

Australia. The Convention should complement existing IMO standards.

Eritrea. EFE: Benefits applied to employees on land equal to those at sea.

Honduras. COHEP: The Convention should harmonize the legislation of coastal States on port state control of national and foreign fishing vessels.

Jamaica. Specific fishing operations or gear, such as use of underwater breathing apparatus.

Lebanon. Prevention of exhaustion during fishing operations; fisher cooperatives; fisheries science institutes.

CCIAB: Environmental issues.

New Zealand. Drugs and alcohol.

Oman. Duty of the State to guarantee the workers' rights and to provide the necessary basic services to assist the implementation, follow-up and monitoring of the Convention.

Panama. Appropriate terminology for work on board fishing vessels.

Spain. Creation of a body of officials responsible for observing, advising and guiding States as regards the implementation of the new Convention.

Thailand. ECOT: International practice for fishing in international waters.

Tunisia. Paid leave and vocational training.

ICMA. Provision of social services, retraining, etc. for fishers who lose their jobs because of fisheries management measures, but not on fisheries management issues themselves.

Suggestions for other issues to be addressed in the Recommendation included: guidelines on specific fishing operations or gear, such as the use of underwater breathing equipment; avoidance of excessive fatigue; fisheries cooperatives; fisheries science institutes; drugs and alcohol; duty of the State to guarantee workers' rights and provide the necessary basic services to assist in the implementation of the new Convention; creation of a body of officials responsible for observing, advising and guiding States as regards the implementation of the Convention; paid leave; vocational training; and the provision of social services and retraining in the event of job loss due to fisheries management measures.

Bearing this in mind, the Office has attempted to reflect these issues, as appropriate, in the Recommendation.

PROPOSED CONCLUSIONS

The following Proposed Conclusions have been prepared on the basis of the replies summarized and commented upon in this report. They take into account views expressed at the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector (2-4 September 2003). They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference at its 92nd Session in 2004 of the fifth item on the agenda – a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector.

Some differences in drafting will be found between the Proposed Conclusions and the Office questionnaire that are not explained in the Office commentaries. These differences are due to concern both for concordance between the various languages and for the terminology to be adapted, as far as possible, to that already used in existing instruments. Where possible, the Office has also sought to ensure that the language used is consistent with that used in the preliminary second draft of the consolidated maritime labour Convention (CMLC), bearing in mind that differences might cause difficulties for some States.

The Proposed Conclusions do not necessarily follow the format of the questionnaire, as their structure was decided in light of the replies from member States and taking into account the views expressed by the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector. The various elements of the questionnaire have been arranged in comprehensive points and paragraphs to be included in the Proposed Conclusions with a view to a Convention and its accompanying Recommendation.

A. Form of the international instruments

1. The International Labour Conference should adopt international standards concerning work in the fishing sector.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Proposed Conclusions with a view to a Convention and a Recommendation

Preamble

3. The Preamble should provide that the objective of the proposed instruments is to help ensure that fishers have decent conditions for work on board fishing vessels with regard to: minimum requirements for work on board; conditions of service; accommodation and food; health protection, medical care and social security.

C. Proposed Conclusions with a view to a Convention

4. The Proposed Conclusions with a view to a Convention should contain the following provisions.

PART I. DEFINITIONS AND SCOPE

Definitions

5. For the purposes of the Convention:

- (a) “competent authority” means any authority having power to issue regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned or entrusted with responsibility under the Convention;
- (b) “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, on the measures to be taken to give effect to the provisions of the Convention and with respect to any derogation, exemption or other flexible application of the Convention; [modified: C. 159, Art. 5; C. 161, Art. 4; C. 160, Art. 3; preliminary second draft of the CMLC, Art. VII]
- (c) “fisher” means every person employed or engaged in any capacity on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch. It excludes pilots, naval personnel and other persons in the permanent service of a government; [modified C. 114, Art. 2]
- (d) “fisher’s work agreement” means a contract of employment, articles of agreement or other similar arrangements and any other contract governing the terms of a fisher’s work on board a vessel;
- (e) “fishing vessel” or “vessel” means any ship or boat, of any nature whatsoever, whether publicly or privately owned, used or intended to be used for the purposes of commercial fishing; [modified: C. 112, Art. 1(1); C. 113, Art. 1(1); C. 114, Art. 1(1)]
- (f) “gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention;
- (g) “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 employers or placing fishers with employers; [modified C. 179, Art. 1(1)(b)]
- (h) “skipper” means any person having command or charge of a fishing vessel. [C. 125, Art. 3(a)]

Scope

6. The Convention applies to all vessels engaged in commercial fishing operations.

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

8. (1) The competent authority might, after consultation, exclude from the application of the Convention:

- (a) fishing vessels engaged in fishing operations in rivers and inland waters; and
- (b) limited categories of fishers or fishing vessels in respect of which special and substantial problems relating to application arise in the light of particular conditions of service of the fishers or the fishing vessel's operations.

(2) In the case of exclusions under the preceding paragraph the competent authority should take measures to progressively extend the protections under the Convention to those categories of fishers and fishing vessels. [modified: C. 138, Art. 4(1); C. 158, Art. 2(5); C. 184, Art. 3(1)(b)]

9. Each Member which ratifies the Convention should list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any categories of fishers or fishing vessels which might have been excluded in pursuance of *Point 8(1)*, and should give the reasons for such exclusion, 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 describing the measures taken to give adequate protection to the excluded categories. [modified: C. 155, Art. 2(3); C. 172, Art. 1(4)]

10. Each Member which ratifies the Convention should describe in subsequent reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization the measures taken with a view to extending progressively the provisions of the Convention to the excluded fishers and fishing vessels. [modified C. 184, Art. 3(2)]

PART II. GENERAL PRINCIPLES

Implementation

11. Each Member should implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under the Convention with respect to fishers and fishing vessels under its jurisdiction [preliminary second draft CMLC, Art. V(1)]. Other measures might include collective agreements, court decisions, arbitration awards or other means consistent with national law and practice.

Competent authority and coordination

12. Each Member should:

- (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 level, as appropriate, and define their functions and responsibilities, taking into account their complementarities and national conditions and practice.

PART III. MINIMUM REQUIREMENTS FOR WORK ON BOARD FISHING VESSELS

III.1. Minimum age

13. No person under the minimum age should work on board a fishing vessel.

14. The minimum age at the time of the initial entry into force of this Convention is 16 years. [modified: C. 180, Art. 12; C. 138]

15. 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 and safety of young persons, should not be less than 18 years. [modified: C. 184, Art. 16; C. 138, Art. 3]

16. The types of employment or work to which *Point 15* applies should be determined through consultation, taking into account the risks concerned and the applicable international standards. [modified C. 184, Art. 16]

17. The competent authority might, after consultation, authorize the performance of work referred to in *Point 15* as from 16 years of age, on condition that the health and safety of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training. [modified: C. 184, Art. 16; C. 138, Art. 3]

III.2. Medical examination

18. No person should work on board a fishing vessel unless they have valid medical certificates attesting that they are medically fit to perform their duties. [modified C. 113, Art. 2].

19. The competent authority might, after consultation, grant exemptions from the application of the preceding point in respect of vessels which do not normally undertake voyages of more than [] days. [modified C. 113, Art. 1(2)]

20. Members should adopt laws or regulations or other measures providing for the following: [main concepts of C. 113]

- (a) nature of medical examinations;
- (b) form and content of medical certificates;
- (c) qualifications of the medical practitioner who signs the medical certificate;

- (d) frequency of medical examinations and the period of validity of medical certificates;
- (e) appeal procedures in the event that a person has been refused a certificate or has had limitations imposed on the work he or she might do; and
- (f) other relevant requirements.

PART IV. CONDITIONS OF SERVICE

IV.1. Manning and hours of rest

21. Members should adopt laws or regulations or other measures requiring that owners of fishing vessels flying their flag ensure that their vessels are sufficiently and safely manned and under the control of a competent skipper.

22. Members should adopt laws or regulations or other measures requiring that owners of fishing vessels that fly their flag ensure that fishers are given rest periods of sufficient frequency and duration for the safe and healthy performance of their duties.

IV.2. Fishers' work agreements and list of persons on board

23. Each Member should adopt laws or regulations or other measures requiring that fishers working on vessels flying their flag have a fisher's work agreement that is consistent with the provisions of this Convention. [modified preliminary second draft of CMLC]

24. Each Member should adopt laws or 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) maintenance of records concerning the fisher's work under such an agreement;
 - (c) the means of settling disputes in connection with such an agreement. [modified C. 114]

25. Each Member should adopt laws or regulations or other measures specifying the minimum particulars to be included in fishers' work agreements in accordance with the provisions contained in Annex I. [main principle of C. 114]

26. A copy of the fisher's work agreement should be carried on board and should be available for review by the fisher and other concerned personnel. [modified C. 114, Art. 7]

27. Every fishing vessel should carry a list of the fishers on board, a copy of which should be provided to appropriate persons ashore prior to or shortly after departure of the vessel. [new provision]

IV.3. Identity documents, repatriation rights and recruitment and placement services

28. Fishers working on board fishing vessels that undertake international voyages should enjoy treatment no less favourable than that provided to seafarers working on

board vessels flying the flag of the Member and ordinarily engaged in commercial activities with respect to:

- (a) identity documents;
- (b) repatriation conditions;
- (c) recruitment and placement services.

PART V. ACCOMMODATION AND FOOD

29. Members should adopt laws or regulations or other measures with respect to accommodation, food and potable water on board for fishing vessels that fly their flag.

30. Members should adopt laws or regulations or other measures requiring that accommodation on board fishing vessels that fly their flag should be of sufficient size and quality and should be appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures should address, as appropriate, the following issues: [main concepts of C. 126]

- (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 water closets and washing facilities, and supply of sufficient hot and cold water; and
- (g) procedures for responding to complaints concerning sub-standard accommodation.

31. The food carried and served on board fishing vessels should be of an appropriate quantity, nutritional value and quality for the service of the vessel and potable water should be of sufficient quantity and quality.

PART VI. HEALTH PROTECTION, MEDICAL CARE AND SOCIAL SECURITY

VI.1. Medical care

32. Members should adopt laws or regulations or other measures requiring that: [concepts drawn from C. 126 and C. 164]

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

33. The standards for medical care on board fishing vessels undertaking international voyages or remaining away from land for a period prescribed by the competent authority should be no less favourable than those provided to seafarers on ships of a similar size ordinarily engaged in commercial activities.

VI.2. Occupational safety, health and accident prevention [parts taken from the second preliminary draft CMLC]

34. Each Member should adopt laws or regulations or other measures concerning:

- (a) the measures to be taken for the prevention of occupational accidents on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;
- (b) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of safety and health of fishers under 18 years of age;
- (c) the reporting and investigation of accidents on board fishing vessels flying its flag.

VI.3. Social security

35. Each Member should ensure that fishers are entitled to benefit from social security protection on conditions no less favourable than those applicable to other workers.

36. With regard to the principles of equality of treatment and the maintenance of social protection rights, Members should adopt measures that take into account the situation of non-national fishers.

VI.4. Protection in the case of work-related sickness, injury, or death

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

38. Taking into account the characteristics within the fishing sector, the protection referred to in the preceding point might be ensured through:

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

PART VII. COMPLIANCE AND ENFORCEMENT

39. Each Member should exercise effective jurisdiction and control over vessels that fly its flag by establishing a system for ensuring compliance with the standards of the Convention including, as appropriate: inspections; reporting; monitoring; appropriate penalties and corrective measures, in accordance with national laws or regulations. [modified preliminary second draft CMLC, Art. V(2)]

40. Fishing vessels that operate internationally should be required to undergo a documented periodic inspection of living and working conditions on board the vessel.

41. (1) The competent authority of the Member should appoint a sufficient number of qualified inspectors to fulfil its responsibilities under *Point 39*.

(2) Each Member should be responsible for inspection of the on-board living and working conditions of fishers on ships that fly its flag, whether such inspections are carried out by public institutions or other competent bodies.

42. A Member that has ratified the Convention might inspect a fishing vessel flying the flag of another State when the vessel is in its port in order to determine whether the vessel is in compliance with the standards of the Convention relating to living and working conditions of fishers on board.

43. Members should apply the Convention in such a way as to ensure that the fishing vessels of States that have not ratified the Convention do not receive more favourable treatment than the ships that fly the flag of Members that have ratified it.

ANNEX I [TO THE PROPOSED CONVENTION]

Fisher's work agreement [based on C. 114, Art. 6, with additions]

The fisher's work agreement should 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:

- (a) the fisher's family name and other names, date of birth or age and birthplace;
- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels on board which the fisher undertakes to serve;
- (d) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (e) the capacity in which the fisher is to be employed or engaged;
- (f) if possible, the place at which and date on which the fisher is required to report on board for service;
- (g) the scale of provisions to be supplied to the fisher, unless some alternative system is provided for by national law;

- (h) 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;
- (i) the termination of the agreement and the conditions thereof, that is to say:
 - if the agreement has been made for a definite period, the date fixed for its expiry;
 - 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 should be discharged;
 - if the agreement has been made for an indefinite period, the conditions which should entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period should not be less for the owner of the fishing vessel than for the fisher;
- (j) the insurance that will cover the fisher in the event of death, injury or illness in connection with their work on board the vessel; and [new provision]
- (k) any other particulars which national law might require. [new provision]

D. Proposed Conclusions with a view to a Recommendation

PART I. CONDITIONS FOR WORK ON BOARD FISHING VESSELS

1.1. Protection of young persons

44. Members should establish the requirements for the prior training of persons between 16 and 18 years of age 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.

45. The training of persons between 16 and 18 years of age 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. [drawn from a concept in C. 112]

46. Members should take measures to ensure that the safety, lifesaving and survival equipment carried on board fishing vessels carrying persons under the age of 18 is appropriate for the young persons concerned.

1.2. Medical examination

Nature of medical examination and content of medical certificate

47. 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.

48. In particular, the medical certificate should attest that the person is not suffering from any disease likely to be aggravated by or to render them unfit for service on board a fishing vessel or likely to endanger the health of other persons on board.

Medical certificate

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

Period of validity of the medical certificate

50. In the case of young persons of less than 21 years of age, the medical certificate should remain in force for a period not exceeding one year from the date on which it was granted.

51. In the case of persons who have attained the age of 21 years, the competent authority should determine the period for which the medical certificate should remain in force.

52. If the period of validity of a certificate expires in the course of a voyage, the certificate should continue in force until the end of that voyage.

Right to administrative appeal

53. Arrangements should be made to enable a person who, after examination, is determined to be unfit for work on board fishing vessels, or on board certain types of vessels, or for certain types of work on board vessels, 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.

International guidance

54. Competent authorities 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*.

Special measures

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

1.3. Competency and training

56. Members should:

- (a) ensure that competencies required for skippers, mates, engineers and other persons working on board fishing vessels take into account generally accepted international standards concerning training and competencies of fishers;

- (b) address, with regard to the vocational training of fishers, the issues of: national planning and administration, including coordination; financing and training standards; training programmes, including pre-vocational training and short courses for working fishers; methods of training; and international cooperation;
- (c) ensure that there is no discrimination with regard to access to training.

PART II. CONDITIONS OF SERVICE

Record of service

57. At the end of each voyage, a record of service in regard to that voyage should be available to the fisher concerned or entered in their service book.

Special measures

58. 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 with means of dispute settlement.

PART III. HEALTH PROTECTION, MEDICAL CARE AND SOCIAL SECURITY

III.1. Medical care on board

59. The competent authority should establish the list of medical supplies and equipment to be carried on fishing vessels appropriate to the risks concerned.

60. Fishing vessels carrying 100 or more fishers and ordinarily engaged in international voyages of more than three days' duration should carry a qualified medical doctor.

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

62. There should be a standard medical report form 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.

III.2. Occupational safety and health

63. In order to contribute to the continuous improvement of safety and health of fishers, member States should have in place programmes for the prevention of accidents on board fishing vessels which should, inter alia, provide for the gathering and dissemination of occupational health and safety materials, research and analysis.

64. 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 on such hazards or other appropriate means.

65. When establishing methods and programmes concerning safety and health of fishers, the competent authority should take into consideration technological progress and knowledge in the field of occupational safety and health, as well as relevant international instruments.

Technical specifications

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

- (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 or fisheries observers new to the vessel;
- (g) personal protective equipment;
- (h) fire-fighting 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;
- (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;
- (v) other issues related to safety and health.

Occupational safety and health management systems

67. (1) When establishing methods and programmes concerning safety and health in the fishing sector, competent authorities should take into account any relevant international guidelines concerning occupational safety and health management systems, including the ILO's *Guidelines on occupational safety and health management systems*.

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

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

III.3. Social security

69. (1) Members should take measures to extend social protection progressively to all fishers.

(2) To this end, Members should maintain up-to-date information on the:

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

70. The benefits referred to in *Point 37* of the Convention should be granted throughout the contingency. [drawn from C. 102, Art. 38 and C. 121, Art. 9(3)]

Common provisions

71. Every claimant should have a right of appeal in the case of refusal of the benefit or complaint as to quality and quantity of the benefit.

72. Members should take steps to secure the protection of foreign fishers, including by entering into agreements to that effect.

PART IV. OTHER PROVISIONS

73. In its capacity as a coastal State, a Member might require, when it grants licences for fishing in its exclusive economic zone, that fishing vessels comply with the standards of the Convention.

Annex II
[not currently attached to either the Convention or Recommendation]

Accommodation on board fishing vessels [modified from C. 126]

PART I. GENERAL PROVISIONS

1. The provisions of this annex should apply to fishing vessels [of more than 24.4 m in length].

2. This annex might be applied to vessels of [between 13.7 and 24.4 m] in length where the competent authority determines, after consultation, that this is reasonable and practicable.

3. In respect of vessels which normally remain away from their home ports for periods of less than 36 hours and in which the crew does not live permanently on board when in port, the provisions concerning the following do not apply:

- (a) lighting in paragraph 35 below;
- (b) sleeping rooms;
- (c) mess rooms;
- (d) sanitary accommodation;
- (e) sick bay;
- (f) space to hang oilskins;
- (g) cooking equipment and galley.

4. In the case of vessels referred to in paragraph 3 above, adequate sanitary installations as well as messing and cooking facilities and accommodation for resting are provided.

5. The provisions of Part III of this annex might be varied in the case of any vessel if the competent authority is satisfied, after consultation, that the variations to be made provide corresponding advantages as a result of which the overall conditions are no less favourable than those that would result from the full application of the provisions of the annex.

PART II. PLANNING AND CONTROL OF CREW ACCOMMODATION

6. Before the construction of a fishing vessel is begun, and before the crew accommodation of an existing vessel is substantially altered or reconstructed, detailed plans of, and information concerning, the accommodation should be submitted to the competent authority for approval.

7. The competent authority should inspect the vessel and satisfy itself that the crew accommodation complies with the requirements of the laws or regulations or other measures, on every occasion when:

- (a) a fishing vessel is registered or re-registered;
- (b) the crew accommodation of a vessel has been substantially altered or reconstructed; or
- (c) a complaint that the crew accommodation is not in compliance with the terms of this annex has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel, by a recognized fishers' organization representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the vessel.

PART III. CREW ACCOMMODATION REQUIREMENTS

General accommodation standards [based on C. 126, Art. 6]

8. The location, means of access, structure and arrangement of crew accommodation in relation to other spaces should be such as to ensure adequate security, protection against weather and sea and insulation from heat or cold, undue noise or effluvia from other spaces.

9. Emergency escapes should be provided from all crew accommodation spaces as necessary.

10. Every effort should be made to exclude direct openings into sleeping rooms from fish holds and fish meal rooms, from spaces for machinery, from galleys, lamp and paint rooms or from engine, deck and other bulk store rooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads should be efficiently constructed of steel or other approved substance and should be watertight and gastight.

11. External bulkheads of sleeping rooms and mess rooms should be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced should be adequately insulated when there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care should also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

12. Internal bulkheads should be of approved material which is not likely to harbour vermin.

13. Sleeping rooms, mess rooms, recreation rooms and passageways in the crew accommodation space should be adequately insulated to prevent condensation or over-heating.

14. Main steam and exhaust pipes for winches and similar gear should, whenever technically possible, not pass through crew accommodation or through passageways leading to crew accommodation; where they do pass through such accommodation or passageways they should be adequately insulated and encased.

15. Inside panelling or sheeting should be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin should not be used.

16. The competent authority should decide to what extent fire prevention or fire retarding measures should be required to be taken in the construction of the accommodation.

17. The wall surface and deck heads in sleeping rooms and mess rooms should be easily kept clean and, if painted, should be light in colour; lime wash should not be used.

18. The wall surfaces should be renewed or restored as necessary.

19. The decks in all crew accommodation should be of approved material and construction and should provide a surface impervious to damp and easily kept clean.

20. Overhead exposed decks over crew accommodation should be sheathed with wood or equivalent insulation.

21. Where the floorings are of composition the joining with sides should be rounded to avoid crevices.

22. Sufficient drainage should be provided.

23. All practicable measures should be taken to protect crew accommodation against the admission of flies and other insects.

Noise and vibration [new provision, not from C. 126]

24. Noise and vibration in accommodation spaces should not exceed limits established by the competent authority taking into account international instruments.

Ventilation [based on C. 126, Art. 7]

25. Sleeping rooms and mess rooms should be adequately ventilated taking into account climatic conditions.

26. The system of ventilation should be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

27. Vessels regularly engaged on voyages in the tropics and other areas with similar climatic conditions should, as required by such conditions, be equipped both with mechanical means of ventilation and with electric fans, provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

28. Vessels engaged elsewhere should be equipped either with mechanical means of ventilation or with electric fans. The competent authority might exempt vessels normally employed in the cold waters of the northern or southern hemispheres from this requirement.

29. Power for the operation of the aids to ventilation required should, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Heating [based on C. 126, Art. 8]

30. An adequate system of heating the crew accommodation should be provided taking into account climatic conditions.

31. The heating system should, when practicable, be in operation at all times when the crew is living or working on board and conditions so require.

32. The heating system should be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the competent authority should prescribe the standard to be provided.

33. Radiators and other heating apparatus should be so placed and, where necessary, shielded and fitted with safety devices so as to avoid risk of fire or danger or discomfort to the occupants.

Lighting [based on C. 126, Art. 9]

34. All crew spaces should be adequately lighted. The minimum standard for natural lighting in living rooms should be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard should be provided.

35. In all vessels electric lights should, as far as practicable, be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting should be provided by properly constructed lamps or lighting apparatus for emergency use.

36. Artificial lighting should be so disposed as to give maximum benefit to the occupants of the room.

37. Adequate reading light should be provided for every berth in addition to the normal lighting of the cabin.

38. A permanent blue light should, in addition, be provided in the sleeping room during the night.

Sleeping rooms [based on C. 126, Art. 10, reduced text]

39. Sleeping rooms should be situated amidships or aft; the competent authority might, in particular cases, if the size, type or intended service of the vessel renders any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the vessel but in no case forward of the collision bulkhead.

40. The floor area per person of sleeping rooms, excluding space occupied by berths and lockers, should not be less than:

- (a) in vessels of [13.7] metres but below [19.8] metres in length: [0.5] square metre;
- (b) in vessels of [19.8] metres but below [26.8] metres in length: [0.75] square metre;
- (c) in vessels of [26.8] metres but below [35.1] metres in length: [0.9] square metre;
- (d) in vessels of [35.1] metres in length or over: [1.0] square metre.

41. The clear head room in the crew sleeping room should, wherever possible, be not less than 1.90 m.

42. There should be a sufficient number of sleeping rooms to provide a separate room or rooms for each department.

43. The number of persons allowed to occupy sleeping rooms should not exceed the following maxima:

- (a) officers: one person per room wherever possible, and in no case more than two;
- (b) ratings: two or three persons per room wherever possible, and in no case more than the following:
 - (i) in vessels of [35.1] metres in length and over, four persons;
 - (ii) in vessels under [35.1] metres in length, six persons.

44. The competent authority might permit exceptions to the requirements of the preceding two paragraphs in particular cases if the size, type or intended service of the vessel make these requirements unreasonable or impracticable.

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

46. Members of the crew should be provided with individual berths of adequate dimensions. Berths should not be placed side by side in such a way that access to one berth can be obtained only over another.

47. 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 where a sidelight is situated above a berth.

48. The lower berth in a double tier should not be less than [0.30] metres above the floor; the upper berth should be placed approximately midway between the bottom of the lower berth and the lower side of the deck head beams.

49. The minimum inside dimensions of a berth should, wherever practicable, be 1.90 m by 0.68 m.

50. The framework and the lee-board, if any, of a berth should be of approved material, hard, smooth and not likely to corrode or to harbour vermin.

51. If tubular frames are used for the construction of berths, they should be completely sealed and without perforations which would give access to vermin.

52. Each berth should be fitted with a spring mattress of approved material or with a spring bottom and a mattress of approved material. Stuffing of straw or other material likely to harbour vermin should not be used.

53. When one berth is placed over another, a dust-proof bottom of wood, canvas or other suitable material should be fitted beneath the upper berth.

54. Sleeping rooms should be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

55. The furniture should include a clothes locker for each occupant, fitted with a hasp for a padlock and a rod for holding clothes on hangers. The competent authority should ensure that the locker is as commodious as practicable.

56. Each sleeping room should be provided with a table or desk which might be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

57. The furniture should be of smooth, hard material not liable to warp or corrode or to harbour vermin.

58. The furniture should include a drawer or equivalent space for each occupant which should, wherever practicable, be not less than 0.056 cubic metre.

59. Sleeping rooms should be fitted with curtains for the sidelights.

60. Sleeping rooms should be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

61. As far as practicable, berthing of crew members should be so arranged that watches are separated and that no day-worker share a room with watch keepers.

Mess rooms [based on C. 126, Art. 11]

62. Mess room accommodation separate from sleeping quarters should be provided in all vessels carrying a crew of more than ten persons. Wherever possible it should be provided also in vessels carrying a smaller crew. If, however, this is impracticable, the mess room might be combined with the sleeping accommodation.

63. In vessels engaged in fishing on the high seas and carrying a crew of more than 20, separate mess room accommodation might be provided for the skipper and officers.

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

65. Mess rooms should be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

66. Mess rooms should be as close as practicable to the galley.

67. Where pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing them should be provided.

68. The tops of tables and seats should be of damp-resisting material without cracks and easily kept clean.

69. Wherever practicable mess rooms should be planned, furnished and equipped to give recreational facilities.

Sanitary accommodation [based on C. 126, Art. 12]

70. Sufficient sanitary accommodation, including washbasins and tub or shower, should be provided in all vessels.

71. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached should, wherever practicable, be provided for each department of the crew on the following scale:

(a) one tub or shower for every eight persons or less;

(b) one water closet for every eight persons or less;

(c) one washbasin for every six persons or less.

72. Cold fresh water and hot fresh water or means of heating water should be available in all communal wash places. The competent authority, after consultation, might fix the minimum amount of fresh water which should be supplied per person per day.

73. Washbasins and tub baths should be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

74. All water closets should have ventilation to the open air, independently of any other part of the accommodation.

75. The sanitary equipment to be placed in water closets should be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

76. Soil pipes and waste pipes should be of adequate dimensions and should be constructed so as to minimize the risk of obstruction and to facilitate cleaning. They should not pass through fresh water or drinking water tanks; neither should they, if practicable, pass overhead in mess rooms or sleeping accommodation.

77. Sanitary accommodation intended for the use of more than one person should comply with the following requirements:

(a) floors should be of approved durable material, easily cleaned and impervious to damp and should be properly drained;

(b) bulkheads should be of steel or other approved material and should be watertight up to at least 0.23 m above the level of the deck;

(c) the accommodation should be sufficiently lighted, heated and ventilated.

78. Water closets should be situated convenient to, but separate from, sleeping rooms and washrooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access, provided that this requirement should not apply where a water closet is located between two sleeping rooms having a total of not more than four persons. Where there is more than one water closet in a compartment they should be sufficiently screened to ensure privacy.

79. Facilities for washing and drying clothes should be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

80. The facilities for washing clothes should include suitable sinks equipped with drainage, which might be installed in washrooms if separate laundry accommodation is not reasonably practicable. The sinks should be provided with an adequate supply of cold fresh water and hot fresh water or means of heating water.

81. The facilities for drying clothes should be provided in a compartment separate from sleeping rooms, mess rooms and water closets, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

Sick bay [based on C. 126, Art. 13]

82. Whenever possible, an isolated cabin should be provided for a member of the crew who suffers from illness or injury. On vessels of 45.7 m or over in length, there should be a sick bay.

Space to hang oilskins [based on C. 126, Art. 14]

83. Sufficient and adequately ventilated accommodation for the hanging of oilskins should be provided outside but convenient to the sleeping rooms.

Clean and habitable condition [based on C. 126, Art. 15]

84. Crew accommodation should be maintained in a clean and decently habitable condition and should be kept free of goods and stores which are not the personal property of the occupants.

Cooking equipment and galley [based on C. 126, Art. 16]

85. Satisfactory cooking equipment should be provided on board and should, wherever practicable, be fitted in a separate galley.

86. The galley should be of adequate dimensions for the purpose and should be well lit and ventilated.

87. The galley should be equipped with cooking utensils, the necessary number of cupboards and shelves, and sinks and dish racks of rust-proof material and with satisfactory drainage. Drinking water should be supplied to the galley by means of pipes. Where it is supplied under pressure, the system should contain protection against backflow. Where hot water is not supplied to the galley, an apparatus for heating water should be provided.

88. The galley should be provided with suitable facilities for the preparation of hot drinks for the crew at all times.

89. A provision storeroom of adequate capacity should be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores. Where necessary, refrigerators or other low-temperature storage space should be provided.

90. Where butane or propane gas is used for cooking purposes in the galley the gas containers should be kept on the open deck.

PART IV. APPLICATION TO EXISTING SHIPS [BASED ON C. 126, ART. 17]

91. The requirements of this annex should apply to fishing vessels constructed subsequent to the coming into force of the proposed Convention for the Member concerned.

ANNEX I

Report of the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector

ANNEX II

Relevant European Union directives

Council Directive 91/533/EEC	Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship
Council Directive 92/29/EEC	Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels
Council Directive 93/103/EC	Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels
Council Directive 93/104/EC	Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organization of working time
Council Directive 94/33/EC	Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work
Council Directive 97/70/EC	Council Directive 97/70/EC of 11 December 1997 setting up a harmonized safety regime for fishing vessels of 24 m in length and over
Commission Directive 1999/19/EC	Commission Directive 1999/19/EC of 18 March 1999 amending Council Directive 97/70/EC setting up a harmonized safety regime for fishing vessels of 24 m in length and over
Council Directive 1999/63/EC	Council Directive 1999/63/EC of 21 June 1999 concerning the agreement on the organization of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)
Directive 2000/34/EC	Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000

amending Council Directive 93/104/EC concerning certain aspects of the organization of working time to cover sectors and activities excluded from that Directive