



International
Labour
Organization

**Second Regional Meeting on the Protection of Migrant Fishers:
ASEAN Information Sharing on 'Guidelines on Flag State Inspection of Working and Living
Conditions on Board Fishing Vessels'**

**28-29 April 2015
Jakarta, Indonesia**

Summary of Discussion

The Second Regional Meeting on the Protection of Migrant Fishers: ASEAN Information Sharing on 'Guidelines on Flag State Inspection of Working and Living Conditions on Board Fishing Vessels' was jointly organised by the Ministry of Manpower, Indonesia, and the ILO ASEAN and GMS TRIANGLE Projects on 28-29th April 2015, funded by the Australian Government, Canadian Government and SEAFDEC. The meeting was participated in by Governments, Employers and Workers organizations from 8 ASEAN Member States, the ASEAN Secretariat, resource speakers and representative civil society organizations.

Technical sessions and discussions focused on the international standards and instruments on work in fishing, updates on amendments to national policy and legislative developments to conform to international standards, procedures related to Flag State and Port State controls, including inspection of working and living conditions; and detailed bilateral and regional cooperation.

Summary of Discussions

Meeting participants recalled the outcomes of the first regional meeting, noting that the social and labour issues related to fishers, including migrant fishers, identified at the first regional meeting continue to be of relevance and concern. The fishing sector in the Asia Pacific Region is a major source of employment and household income. It plays an important role in the regional economy and ensuring food security.

The participants suggested the following during their 2-day discussions:

Improving labour inspection of work and living conditions of fishers, including migrant fishers

Labour inspection of work and living conditions of fishers, including migrant fishers, could be improved through the following actions:

- Flag State Governments, after consultation with workers' and employers' organizations, should establish guidance for inspection of working and living conditions at sea. Guidance may be specific to the size (length and GT) of the vessel, and other factors. National guidance should take into account the ILO draft global guidelines after they are discussed and adopted at the ILO Meeting of Experts in September 2015.
- Government authorities (ministries, departments, agencies) should coordinate efforts to conduct inspection of working and living conditions of fishing vessels and/or use of information collected during inspection in a coordinated way to address compliance issues. These inspections may occur in port or at sea. This may call for the mapping of related



International
Labour
Organization

authorities' mandates and functions and the signing of a Memoranda of Understanding between agencies, as appropriate. Such mechanisms for inter-agency coordination should also consult with the relevant employers' and workers' organizations.

- Providing training to labour inspectors and inspectors from related agencies (e.g. maritime inspectors) on the characteristics of work in the fishing sector and developing policy and training guidance (including checklists) for working and living conditions on fishing vessels, with specific attention to the situation of migrant fishers.
- Reviewing good practices highlighted during the meeting, for example establishing labour inspection mobile units trained on labour inspection on fishing vessels; and developing referral mechanisms to relevant agencies for cases of child or forced labour.
- Developing strategies to use inspection resources effectively through, for example, targeted and strategic inspections and the use of initiatives beyond enforcement measures to encourage and induce workplace compliance in the fishing sector.
- Develop systems to monitor and collect data on working conditions identified on board fishing vessels and on steps taken to address non-compliance with national laws and regulations including inspection actions.
- Develop complaints mechanisms and channels to file complaints. This could include on-board and port-based complaint procedures.
- Consult with workers' and employers' organizations, in particular organizations of fishing vessel owners and fishers, in developing labour inspection policies, and promote cooperation with NGOs, where appropriate, given their language capacity and links with migrant communities.
- Experiences can be drawn from the ITF maritime inspectorate system in place and applied to the fishing sector.

Promoting Ratification of C188

Participants identified several strategies to promote ratification of Convention No. 188:

- Translating Convention No. 188 into the national language
- Conducting a comparative analysis between the provisions of the convention and national legislation ("gap analysis") and mapping of the national fishing sector.
- Holding national level tripartite and inter-ministerial discussions, involving all relevant stakeholders, as appropriate, to validate findings of a gap analysis.
- Supporting worker's organizations and employers' organizations to generate support for Convention No.188. Social partners may share information on C188 with their members to



International
Labour
Organization

ensure familiarity with its contents. Worker's and employers' organizations may consider developing strategies to lobby the appropriate approving body.

- Developing a road map or way forward which may include changes to laws, regulations, administration and periodical social dialogue, a phased approach to implementation, and other appropriate actions, based on tripartite consultation and the gap analysis.
- Encouraging relevant ASEAN Sectoral Bodies (Senior Labour Officials Meeting, Senior Officials Meeting – ASEAN Ministerial Meeting on Agriculture and Forestry) to promote ratification of ILO Convention No. 188 as a regional priority.
- Identifying a lead agency to take responsibility for ratification of ILO Convention No.188 within each country.

Capacity building needs of government, workers' and employers' organizations

Participants acknowledged that further capacity building opportunities are required in the areas of:

- Building the capacity of workers' organizations to train fishers on their rights and duties under the ILO Convention No. 188.
- Building government skills and knowledge to enforce the provisions of ILO Convention No. 188, including the ability to coordinate joint agency activities (e.g. MoU developed in the Philippines between Department of Labor and Employment, Department of Transportation and Communication, and Department of Agriculture).
- Building capacity of government, workers and employers, and other stakeholders to enhance their understanding of ILO Convention No. 188, with a possible pilot training program in Myanmar.
- Implementing preventative measures, such as pre-departure orientation on workers' rights and obligations, skills and safety training for fishers (in local language) and in accordance with STCW-F, and maintaining continuous contact with families.

Bilateral and regional cooperation

Participants emphasised that bilateral and regional cooperation is an important mechanism to more effectively address issues related to the protection of fishers, in particular migrant fishers. This cooperation can take the form of exchange of information, regional tripartite forums, sharing of good practices, and developing bilateral Memoranda of Understanding. More specifically, participants noted:

- Identification, documentation and sharing of good practices in the protection of fishers, including migrant fishers, from the ASEAN and ILO Member States, in particular those that have ratified Convention No.188, or are in the process of developing new measures to



International
Labour
Organization

implement the Convention. This can include sharing of experiences on the process of ratification and sharing of legislation, regulations or policies developed on the protection of fishers, including migrant fishers.

- ASEAN Member States are encouraged to share MoU agreements, standard employment contracts and other tools (e.g. OSH or labour inspection manuals) that address the specific vulnerabilities of fishers, including migrant fishers.
- Implementing a regional campaign to raise the profile of issues in the fishing sector, including labour and sustainability issues.
- Developing and implementing bilateral agreements, which could include institutionalisation of mechanisms to facilitate cross-border coordination and inspection of labour conditions.
- Develop an ASEAN model standard employment agreement to determine minimum standards on vessels, in coordination with ASEAN Member States, employers' and workers' organizations, CSOs and welfare organizations.
- Engaging relevant stakeholders in ASEAN (e.g. SEAFDEC and the ASEAN Seafood Federation) to elevate issues on labour inspection of work and living conditions in the fishing sector to the SLOM and SOM-AMAF, also taking into consideration the Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing in the Region).
- Developing a regional ASEAN database of fishing vessel operators and registered fishers in the region.
- Encouraging the use of recognised recruitment and placement agencies involved in the fishing sector in the ASEAN region. This may include developing a registration system for recruitment and placement agencies in ASEAN.