

► Final Internal Evaluation Report

Labour Standards on Fishing Vessels Project

International Labour Organization (ILO)

Project Code: RAS/20/03/IOM (108231)

Geographical Coverage: Pacific Island Countries

Management Site: Honiara, Solomon Islands

Project Period: 1 January 2021 – 31 December 2024

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► Abbreviations and Acronyms

Abbreviation	Full Term
AGG	Activity Governance Group
C29	Forced Labour Convention, 1930 (No. 29)
C188	Work in Fishing Convention, 2007 (No. 188)
CI	Conservation International
DWCP	Decent Work Country Programme
EEZ	Exclusive Economic Zone
ERAB	Employment Relations Advisory Board
FFA	Pacific Islands Forum Fisheries Agency
FFIA	Fiji Fishing Industry Association
FLAG	Fisheries Labour Advisory Group
FIA	Fishing Industry Association
ILO	International Labour Organization
IOM	International Organization for Migration
ITCILO	International Training Centre of the ILO
ITF	International Transport Federation
MCSWG	Monitoring, Control and Surveillance Working Group
MEPWR	Ministry of Employment, Productivity and Workplace Relations
MRC	Migrant Resource Centre
MTCs	Minimum Terms and Conditions
NGO	Non-Governmental Organization
NTCC	National Tripartite Consultative Council
OSH	Occupational Safety and Health
PICs	Pacific Island Countries
PICTU	Pacific Islands Council of Trade Unions
PNG	Papua New Guinea
PSC	Port State Control
PSM	Port State Measures
RBM	Results-Based Management
SCP	Strategic Compliance Planning
SDGs	Sustainable Development Goals
SRA	Social Responsibility Assessment
TLAC	Tripartite Labour Advisory Committee
TIP	Trafficking in Persons
UNODC	United Nations Office on Drugs and Crime
VTUC	Vanuatu Trade Union Congress
WCPFC	Western and Central Pacific Fisheries Commission
WSR	Worker-Driven Social Responsibility

► 1. Executive Summary

This final internal evaluation report presents a comprehensive assessment of the Labour Standards on Fishing Vessels (LSOFV) Project, implemented by the International Labour Organization (ILO) in collaboration with the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), and the Pacific Islands Forum Fisheries Agency (FFA). The project was designed to address persistent labour rights violations in the fishing sector across Pacific Island Countries (PICs), including forced labour, unsafe working conditions, and lack of representation for fishers.

The evaluation finds that the LSOFV Project was highly relevant to the needs of the region and aligned with ILO's Decent Work Agenda and international labour standards, particularly Convention 188. The project achieved its intended outputs through a combination of baseline research, capacity building, stakeholder engagement, and policy advocacy. Notable achievements include the establishment of the Fisheries Labour Advisory Group (FLAG) in Fiji, the formation of fishers' unions, and the adoption of regional labour standards by the Western and Central Pacific Fisheries Commission (WCPFC).

Despite challenges such as specialist turnover and coordination across agencies with differing mandates, the project demonstrated strong effectiveness and efficiency, with over 95% of the budget utilized. Sustainability prospects are promising, with several mechanisms and partnerships continuing beyond the project's lifespan. The evaluation highlights the importance of tripartism, regional collaboration, and community engagement in driving systemic change.

Recommendations include scaling the FLAG model to other PICs, supporting ratification of Convention 188, expanding training to include Convention 190 and child safeguarding, and strengthening monitoring and evaluation systems. The report concludes that the LSOFV Project has laid a solid foundation for improving labour standards in the Pacific fishing sector and offers valuable lessons for future initiatives.

► 2. Introduction and Background

The LSOFV Project was launched in response to widespread labour rights violations in the fishing sector, including forced labour, poor working conditions, and a lack of representation. The fishing industry in the Pacific is a major economic driver, yet fishers often face hazardous environments, limited legal protections, and exploitation. The project aligned with ILO Convention 188 and the Decent Work Agenda, aiming to build institutional capacity, support legislative reform, and empower fishers through unionization and awareness. It was designed to complement existing regional efforts and build synergies with initiatives such as the Ship to Shore Rights Programme.

► 3. Evaluation Methodology

The evaluation followed ILO's Development Cooperation Manual guidelines, using a mixed-methods approach:

- Document review: Analysis of project reports, baseline studies, training materials, and policy documents.
- Key informant interviews: Conducted with ILO staff, implementing partners, government officials, union representatives, and fishers.
- Field visits: Undertaken in Fiji, PNG, Solomon Islands, and Vanuatu to observe activities and engage with stakeholders.
- Stakeholder workshops and focus groups: Used to validate findings and gather feedback.
- Results Matrix analysis: Compared planned outputs and outcomes with actual achievements.

► 4. Findings by evaluation criteria

- Relevance: The project addressed critical gaps in labour protection in the fishing sector and was well-aligned with ILO priorities and national development strategies.
- Effectiveness: Most planned outputs were delivered, including training, research, and stakeholder engagement. The project contributed to increased awareness and institutional capacity.
- Efficiency: Resources were used effectively, with over 95% budget utilization. However, coordination challenges and staff turnover affected implementation timelines.
- Sustainability: FLAG and other tripartite mechanisms are continuing beyond the project's life, indicating strong potential for sustainability.
- Impact: The project influenced policy discussions, supported union formation, and contributed to regional labour standards adoption.

► 5. Project Achievements

- Completion of three comprehensive baseline studies on employment pathways, regulatory frameworks, and union representation.
- Delivery of five tripartite workshops across PICs, fostering dialogue and action planning.
- Support for the establishment of fishers' union branch in Fiji, including support for a fisher's union in Kiribati and Vanuatu.
- Formalization of the Fisheries Labour Advisory Group (FLAG) in Fiji, with monthly meetings and integration into national advisory structures.
- Engagement of over 80 stakeholders in the final regional workshop, promoting knowledge sharing and strategic planning.
- Support for Migrant Resource Centres in Kiribati and facilitation of regional learning tours to Cambodia and Vietnam.
- The project's biggest impact was raising awareness of the urgent need to strengthen labour standards in the fisheries sector.

► 6. Relevance and strategic fit rating: highly satisfactory

The project was well-aligned with:

ILO's Decent Work Agenda and strategic outcomes and SDG 8 (Decent Work)

- Convention 188 (Work in Fishing) and Convention 29 (Forced Labour).
- National labour laws and fisheries policies in participating PICs.
- UNDAF frameworks and SDG Goal 8 on decent work and economic growth.
- Regional efforts such as the WCPFC's Conservation and Management Measure for Crew Labour Standards.

The project was fully aligned with:

ILO Decent Work Agenda

Regional fisheries governance priorities

The intervention directly addressed documented labour rights gaps, including improper recruitment, lack of inspection capacity, and limited worker representation.

The inclusion of cross-cutting themes (gender equality, rights-based approach, environmental sustainability) further strengthened its relevance.

► 7. Effectiveness and Efficiency

Effectiveness – Rating: Satisfactory to Highly Satisfactory

Achievement of Outputs

All four outputs were substantially achieved:

Output 1: Strengthened coordination and awareness

Regional and national workshops reached over 100 stakeholders annually

Established shared understanding of labour challenges

Output 2: Enhanced institutional capacity

Over 40 officials trained in labour inspection and compliance

Increased ability to identify labour violations

Output 3: Advocacy and knowledge tools developed

Baseline studies and IEC materials widely disseminated

Practical tools (e.g., contracts, inspection checklists) developed

Output 4: Engagement with private sector strengthened

Fishing industry associations integrated into national employer structures

Progress Toward Outcomes

Coordination: Significant progress through establishment of tripartite+ mechanisms such as Fiji Fisheries Labour Advisory Group (FLAG)

- Capacity: Notable improvements across PICs; movement toward target of 8 PICs with enhanced capacity i.e. over 50 inspectors and fishers trained through ITCILO courses and national workshops.

Policy and Legal Frameworks: Gap analyses and draft legislation initiated; however, ratification and enforcement remain incomplete

Stakeholder Commitment: Demonstrated through:

Formation of fishers' union (187 members in Fiji)

Employer engagement and regulatory dialogue

Efficiency – Rating: Satisfactory

The project demonstrated efficient resource utilization:

- Budget execution: NZD 1.34M out of NZD 1.4M; Budget utilization exceeded 95%, demonstrating strong financial management.
- TLAC and NTCC mechanisms strengthened in Solomon Islands and PNG.
- Coordination challenges due to differing mandates among partners were mitigated through restructuring of the Activity Governance Group (AGG).

Strong leveraging of partnerships (FFA, IOM, UNODC)

Synergies with other initiatives (Ship to Shore, DWCPs)

Constraints:

Multi-agency coordination challenges

Internal staffing turnover affecting continuity

► 8. Sustainability Rating: Highly Satisfactory

The project demonstrates strong sustainability prospects:

- Institutionalization of tripartite mechanisms (FLAG) e.g. FLAG continues to operate beyond the project's end, with plans for formal integration into Fiji's Employment Relations Advisory Board or the National Occupational Health and Safety Board (NOHSAB).

Integration into Decent Work Country Programmes (DWCPs)

Continued stakeholder engagement beyond project closure

Community-level mobilisation and unionization efforts further enhance sustainability.

- Solomon Islands and PNG have initiated steps to include labour rights in fisheries policy.
- RMI and Palau have undertaken gap analyses and consultations toward ratifying Convention 188.
- Unionization efforts have expanded, with fishers mobilized in Fiji, Vanuatu, and Solomon Islands.
- WCPFC's adoption of the Crew Labour Standards Measure in December 2024 marks a significant regional milestone and one that makes the urgency for ILO member States to ratify C1889.

► 9. Impact (Emerging) – Rating: Moderately Satisfactory

Although long-term impact requires more time, the project contributed to:

Institutional change: Integration of labour issues into fisheries governance

Regional policy influence: Engagement with WCPFC leading to adoption of labour standards measures in 2024 [Final ILO...ng Vessels | PDF]

Behavioural change: Increased awareness and dialogue among stakeholders

► 10. Cross-Cutting Themes

- **Rights-Based Approach:** The project consistently promoted fundamental labour rights, including protection from forced labour and access to fair working conditions
- **Gender:** Gender considerations were integrated into Training participation i.e. 40% female participation in training and workshops, with targeted outreach to women in fishing communities.

Social Inclusion: Recognition of gender-specific vulnerabilities, engagement with disabled persons organizations, migrant communities, and remote villages.

- **Environmental Sustainability:** Rights-based programming indirectly supported sustainable fishing practices, as well as indirect contributions through improved governance and compliance systems linked labour standards with sustainable fishing practices.
- **Child Safeguarding:** Fiji's legislative gap analysis recommended a child safeguarding toolkit for the fishing industry.

► 11. Challenges and Lessons Learned

Challenges:

Challenge	Response
Limited institutional knowledge of Pacific fishing context within ILO i.e. limited baseline data in PICs hindered early planning.	Strengthened local engagement and capacity building
Multi-agency coordination constraints i.e. Coordination across agencies with differing mandates required ongoing negotiation	Inclusion of tripartite partners in governance structures
Generally weak labour enforcement capacity	Focus on capacity development and tools
Slow legislative reform	Continued advocacy and integration into DWCPs
High turnover of ILO ILS specialists (3) affected continuity and ILO's high demand to lead the second phase of the Project from IOM	Donor withdrew funding for Phase 2 given the downturn in its economy

Lessons Learned:

- Tripartism enhances ownership, legitimacy, and sustainability of interventions.

Regional workshops are effective platforms for peer learning and policy alignment.

Regional coordination enhances national-level impact

Community-level engagement is key for behavioural change

- Community engagement is essential for successful union mobilization and awareness raising.

Tripartite approaches are essential for legitimacy and sustainability

Evidence-based research is critical for policy influence

Integration into national frameworks ensures long-term sustainability

▶ 12. Recommendations

- Scale FLAG model to other PICs to institutionalize tripartite dialogue on fisheries labour.
- Support ratification of C188 in PNG, Solomon Islands, RMI, and Palau through technical assistance and advocacy.
- Expand training to include Convention 190 (Violence and Harassment) and child safeguarding standards.
- Strengthen M&E systems by developing standardized tools and allocating resources for data collection.
- Develop regional accreditation scheme for vessels meeting labour standards, linked to market incentives.
- Continue collaboration with WCPFC and ASEAN partners to harmonize labour standards and share best practices.

▶ 13. Annexes.

- Annex 1: Final ILO Report for LSOFV
- Annex 2: Roadmap for FFA and ILO to Strengthen MTCs
- Annex 3: FLAG lett from Fiji Min of Employt
- Annex 4: FLAG draft TOR
- Annex 5: Draft Joint Inspection Checklist
- Annex 6: Joint Inspection Protocol
- Annex 7: Draft Fisher Work Agreement
- Annex 8: Communication Materials – A-D
- Annex 9: Financial Report
- Annex 10: Safety & health onboard

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Annex 1



International Organization for Migration (IOM)
The UN Migration Agency

Final Report to IOM

LABOUR STANDARDS ON FISHING VESSELS

Executing Agency	ILO
Project Identification	IOM Project Code: PX.0259
Geographical Coverage	Pacific Island Countries
Management Site	Honiara, Solomon Islands
Project Period	1 January 2021 – 31 December 2024
Reporting Period	1 January 2021 – 31 December 2024
Date of Submission	28 February 2025
Total Confirmed Funding	<i>NZD1,400,000</i>
Total Funds Received to Date	<i>NZD1,386,718</i>
Total Expenditures	<i>NZD1,343,475.02</i>

I. Summary of Key Achievements during the Reporting Period

2022:

Team Expansion: The International Labour Standards Specialist joined ILO Suva in July 2021, and a Project Assistant was recruited on November 2021. ILO began working on its components in 2022 when the ILO Project Coordinator joined.

Strategic Discussions: Preliminary technical discussions were conducted between the Labour Standards Specialist and ILO colleagues in Geneva, Bangkok, and Suva, leading to the commissioning of 3 baseline studies which were concluded in 2023.

Partnership Engagement: Technical updates were held with project partners, including IOM, FFA, and Chief Technical Advisers from similar fisheries projects such as the Ship to Shore Project in Asia and ILO colleagues in SECTOR, Geneva.

Three base-line Research Studies: contributed to the knowledge base using a rights-based approach to programming, gender mainstreaming, social inclusion, environmental sustainability, and the sustainability of project results were incorporated into the terms of reference of the studies:

Study 1: Mapping private sector actors and regulatory frameworks.

Study 2: Analysing the origins and employment pathways of fishers.

Study 3: Assessing trade union representation and recommending improvements.

Capacity Building Training: ILO supported on-line training for 12 Pacific participants (8 females and 4 males) in two Courses (Development and management of inspection systems of labour conditions on board fishing vessels and Inspection of labour conditions on board fishing vessels), offered by the International Training Centre of the ILO (ITCILO) in Turin, Italy, enhancing their abilities to promote decent work and effective inspection systems in the fishing sector. Participants included labour and Occupational Safety and Health (OSH) inspectors, fisheries officers, and a representative from PICTU. Participants joined on-line from Fiji, Kiribati, Samoa and Tonga. An additional 12 participants were funded by Global Fishing Watch to the Development and management of inspection systems of labour conditions on board fishing vessels.

Collaboration Focus: Discussions centred on identifying collaboration opportunities with the ILO-led Ship to Shore Programme in Southeast Asia and extracting learnings from its implementation.

2023:

Building stakeholder relations and networking: ILO facilitated stakeholder meetings with constituents in Fiji, Kiribati, PNG, Samoa, and Solomon Islands; met with implementing partners – IOM, UNODC and FFA networking, including SPC and the Western Central Pacific Fisheries Commission (WCPFC); and convened the tripartite committee in Fiji following the Strategic Compliance Planning workshop and sought the ratification of Convention 188 with the Ministry of Employment in Fiji.

Research studies: The 3 comprehensive research studies commissioned by the ILO in 2022 were concluded in 2023 which informed and established a foundation for labour standards in Pacific fishing vessels. The cross-cutting themes of the LSOFV project were reflected in the final Research study reports, highlighting the commitment to uphold fundamental rights, promote gender equality, ensure social inclusion, and address environmental concerns throughout the research process. This integration aimed to enhance the relevance and impact of the studies, ensuring that the findings contribute to sustainable development goals (SDGs) and the protection of workers' rights in the fishing industry.

Capacity Building Training: The ILO further supported 8 Pacific participants (7 females and 1 male) in the 2 on-line Courses (Development and management of inspection systems of labour conditions on board fishing vessels and Inspection of labour conditions on board fishing vessels), enhancing their abilities to promote decent work and effective inspection systems in the fishing sector. Participants included labour inspectors and fisheries officers from PNG, Samoa and Solomon Islands.

Tripartism: The ILO successfully integrated social partner representation into the Activity Governance Group (AGG), adding two government advisors, one employer representative from the Fishing Industry Association of PNG, and one worker representative from PICTU, enhancing governance and collaboration.

2024:

Fiji Fishers' trade union branch: A fishers' trade union branch in Fiji was officially launched on 23 December 2024 with a total of 187 members of which there are 7 women and 180 men. This new branch operates under the Transport, Commerce and General Workers Union, which is an affiliate of the Fiji Trades Union Congress. The establishment of this union branch aims to enhance the representation and support for fishers in Fiji, addressing their specific needs and challenges within the commercial fishing sector.

Fiji Fishing Industry Association (FFIA): ILO facilitated the representing owners of deep-sea fishing vessels, to officially join the Fiji Commerce and Employers Federation. This integration allows FFIA to participate in broader employer industrial workplace discussions in Fiji and grants them access to national tripartite forums, such as the Employment Relations Advisory Board (ERAB), the National Occupational Health and Safety Advisory Board (NOHSAB) and the Wages Councils etc. This development is significant as it enhances the representation of the fishing industry within the national dialogue on labour and employment issues, promoting better working conditions and support for fishers in the region.

Stakeholder relations and networking: ILO continued with its stakeholder meetings with constituents in Fiji, Kiribati, PNG, Samoa, and Solomon Islands and expanded the networking with constituents in Marshall Islands, Palau and Vanuatu; continued with project delivery with joint implementing partners – IOM, UNODC and FFA networking; became an official observer effective 31 May 2024, the ILO participated in the technical meetings on 21 May and 03 December 2024 and congratulated the WCPFC on the adoption of the Conservation and Management Measure for Crew Labour Standards on 05 December 2024. The ILO continues this relationship with WCPFC and will

meet on the 12 March 2025 to strengthen collaboration and support to the Crew Labour Standards Measure.

Western Central Pacific Fisheries Commission (WCPFC); and expanded the tripartite+ committee in Fiji to include NGOs working in the fisheries sector i.e. Human Dignity Group and Conservation International. Since becoming an official observer in WCPFC effective 31 May 2024, the ILO participated in the technical meetings on 21 May and 03 December 2024 and congratulated the WCPFC on the adoption of the Conservation and Management Measure for Crew Labour Standards on 05 December 2024. The ILO continues this relationship with WCPFC and will meet on the 12 March 2025 to strengthen collaboration and support to the Crew Labour Standards Measure.

Labour standards initiatives: A Fiji legislative framework gap analysis vis-à-vis the Work in Fishing Convention C188 was completed and validated on 9 February 2024 in Suva. Stakeholders (9 females and 13 males) participated from Ministry of Employment, Police, Maritime Academy, Ship owners and executives from the Fiji Fishing Industry Association, Fisheries Ship Agencies, NGOs - Human Dignity Group and Conservation International.

General Recommendations from Fiji's Gap Analysis include drafting a New 'Work in Fishing' Act; ratify C188; develop projects that support capacity building of trade unions that represent fishers in Fiji's offshore commercial fishing sector; formulate a child safeguarding toolkit to enhance child safeguarding standards within the Fishing Industry and reform the curriculum at educational institutions offering fisheries qualifications.

Capacity Building Training: The ILO and ITCILO expanded its training to 2 more male participants from Tuvalu Fisheries for the on-line Course - Development and management of inspection systems of labour conditions on board fishing vessels and inspection of labour conditions on board fishing vessels, which was held from 14 October - 15 November 2024, enhancing their abilities to promote decent work and effective inspection systems in the fishing sector.

In addition, ILO partnered with the Pacific Islands Council of Trade Unions (PICTU) to use their services to mobilise fishers to form their union branch in Port Vila. Similar tripartite workshops were conducted in PNG and Solomon Islands with draft Action Plans developed. Other C188 awareness raising training workshops in collaboration with the ILO's fundamental Forced Labour Convention (C29) were conducted in Marshall Islands and Palau.

National tripartite mechanism: The ILO successfully convened the tripartite+ partners in Fiji to continue to meet regularly and discuss labour concerns in fisheries. This national mechanism is an advisory committee called the Fisheries Labour Advisory Group (FLAG) that continues to meet monthly and is co-chaired by the Ministry of Employment, Productivity and Workplace Relations (MEPWR) and the Ministry of Fisheries. Members of the Committee include representatives from the union, Fiji Fishing Association, Fiji Commerce and Employers Federation, Maritime Safety Authority, Immigrations and Customs, Health, Water Police and Navy, Fiji National University maritime training and NGOs – Human Dignity Group, Conservation International and Global Fishing Watch.

The Ministry of Employment in Fiji has agreed to formalise the FLAG as an advisory committee co-opted by the Fiji national Employment Relations Advisory Board as a national advisory committee

(Annex 4). The FLAG will look further at the ‘products’ that they have met over the year and developed and will utilise the Fiji Gap Analysis as groundwork for C188 (Annex 5) ratification and the others to guide its work as FLAG: the Joint Inspection Protocol (Annex 6); the Joint Inspection Checklist (Annex 7) and the Draft Fisher Work Agreement (Annex 8). The FLAG continues to meet beyond the life of the project in 2025. The conversation on similar existing national set-ups in other ILO member states include discussions with the Governments of Marshall Islands Palau, Papua New Guinea, Solomon Islands, and Vanuatu.

II. Progress Made towards Realizing Outcomes and Outputs

Goal: Employment on fishing vessels in the Pacific is safe, decent and worthwhile

Progress in ensuring safe, decent, and worthwhile employment on Pacific fishing vessels has been slow and challenging; however, the incremental changes achieved are significant. These efforts demonstrate a commitment to improving labour rights and working conditions for fishers in the Pacific, making it essential to sustain the momentum built thus far.

Output 1 - The provision of information, opportunities for collaboration and coordination, and technical support to PICs to improve working conditions on fishing vessels

A website link that was created in 2022 to include the Labour Standards on Fishing Vessels Project to the bigger ILO Fisheries website: [International Labour Standards: Labour Standards on Fishing Vessels \(ilo.org\)](https://www.ilo.org/fisherystandards). continues to be updated throughout the 3 years of the Project.

Information and awareness raising provided to PICs fisheries, labour, law enforcement and maritime safety agencies provided through regional workshops, meetings and training to develop a shared understanding and promote ownership of the Activity (all Agencies)

2022:

The ILO actively promoted the Labour Standards on Fishing Vessels Project at various events, including the SPC Workshop on Gender and Human Rights in April, the PICTU meeting in October, and the Employers’ Group Meeting in November. Efforts included engaging with ILO specialists and tripartite partners in multiple Pacific nations, as well as collaborating with project partners like FFA, IOM, and UNODC. Additional outreach involved local Pacific organizations and international bodies such as Global Fish Watch and Conservation International, along with a tour of an offshore fisheries facility in Fiji.

2023:

1. The ILO actively participated in various regional workshops, meetings, and training sessions aimed at raising awareness and promoting a shared understanding of labour standards in the fisheries sector among Pacific Island Countries (PICs):
2. **Regional Workshop on Labour Standards on Fishing Vessels: Held** on 24-25 January 2023 in Nadi, Fiji, this workshop brought together 55 participants (24 females, 31 males) from government, private sector, and civil society. The workshop addressed challenges in regulating

labour conditions on fishing vessels, monitoring labour standards, empowering fishers, and identifying potential Trafficking in Persons (TIP) cases. It concluded with a reflection session that allowed FFA Member States to prioritize interventions and identify areas needing technical assistance.

3. **Fiji Tuna Symposium:** On 4-5 April 2023, the ILO participated in this symposium hosted by Conservation International, where it advocated for fishers' rights and the importance of unionization.
4. **PICTU Workshop:** On 3 July 2023, the ILO presented the "Labour Standards on Fishing Vessels" project to members of the Pacific Islands Council of Trade Unions (PICTU). The workshop resulted in a resolution for closer collaboration on workers' rights and fishers' rights at both national and regional levels.
5. **8th Pacific Tuna Forum:** From 5-7 September 2023 in Papua New Guinea (PNG), the ILO supported the participation of three representatives from PNG i.e. from the Department of Labour, the PNG Employers' Federation, and the PNG Trade Union Congress. This participation enabled them to voice concerns regarding labour rights issues on fishing vessels.
6. **Social Responsibility Assessment Workshop:** On 9 November 2023, the ILO participated in this workshop hosted by Conservation International, continuing its advocacy for fishers' rights through unionization.

These activities collectively contributed to enhancing awareness and understanding of labour standards in the fisheries sector among stakeholders in the PICs, promoting ownership of the initiatives undertaken.

2024:

1. To mark the conclusion of the LSOFV project on 31 December 2024, ILO supported the sharing experiences sub-regional workshop conducted from 15-17 October in Nadi, Fiji. The workshop served multiple purposes:
2. Knowledge Sharing: It highlighted lessons learned, successful practices, and reflections from the LSOFV project, facilitating the dissemination of vital insights among stakeholders.
3. Progress Update: It informed partners of the achievements and outputs realized thus far, while outlining strategic potential plans for the next phase.
4. Strategic Guidance: It provided direction for future efforts aimed at enhancing labour standards on fishing vessels, ensuring that the gains made during the project were sustained and built upon.

The workshop engaged 80 tripartite participants (55 males and 25 females) representing key stakeholders, including ministries of fisheries, labour, maritime authorities, legal experts, training institutions, non-governmental organisations, employers' organizations, workers' organizations, migrant and local fishers themselves and their communities. This diverse participation fostered a collaborative environment where all voices were heard and shared experiences for collective action. By the conclusion of the workshop, participants gained a comprehensive understanding of the project's impact and the effective practices that emerged, along with a collaborative roadmap for future initiatives to further reinforce labour standards on fishing vessels in the Pacific Islands. There was also strengthened partnerships and commitment among stakeholders to uphold and advocate for fishers' rights across the region.

The LSOFV project represented a significant step towards promoting decent work in the fishing sector of the Pacific Islands, and the workshop played a pivotal role in consolidating the achievements of the project, ensuring continued progress, and ultimately enhancing the livelihoods of fishers and their communities for then and the future.

Develop national coordination mechanisms to clarify roles and responsibilities and to strengthen national efforts to improve working conditions on fishing vessels (FFA)

2022:

Technical conversations on the Strategic Compliance Planning Model were initiated with the Strategic Compliance Specialist, ILO Geneva. The strategic compliance model provides the labour inspectorate with a new methodology to achieve compliance outcomes in light of limited resources, mismatched powers and a need to shoulder greater responsibility for ensuring compliance in the ever-changing world of work.

These challenges are particularly acute in fishing. The workplace is necessarily at sea, so difficult to inspect. The work is hazardous and not well paid. Workers are subject to a far greater degree of employer control and potential intimidation. Minimum standards for work may not be set nationally or internationally. Jurisdiction to ensure compliance with labour standards is divided among national government agencies, and between national and international agencies. Preparatory work determined that the workshop would be held in early 2023.

2023:

Strategic Compliance Planning (SCP) in Fiji Fisheries Training workshop was held on 21-23 March 2023 for regulatory Government agencies and training institutions to introduce the SCP methodology for the labour inspectorate and assist with compliance outcomes in light of limited resources, mismatched powers and the need to shoulder greater responsibility for ensuring compliance in a coordinated manner. From the SCP workshop, a committee of government agencies were appointed to meet on a regular basis starting in April 2023. The Committee met in June and July 2023.

Given that ILO is a tripartite organisation and there is a priority need to be more inclusive, the ILO proposed that the social partners (employers and workers) to be invited to be part of the committee and perhaps NGOs who worked in this space. The Committee became fully tripartite in August 2023 and it was enriching to hear the voices of the Fiji Fishing Industry Association (FFIA) as well as the Transport Workers Union (TWU) representing fishers.

Industry needs such as a sample fisher's contract, code of conduct for industry operators were raised. TWU raised many concerns including physical, verbal and mental abuse on board vessels. The need to mobilise a fishers union, fisher's rights as per Convention 188, and review of fisher's wages via a Wages Council specific for fishers and the maritime sector resonated strongly. For Government agencies, a protocol on how they collaborated on the fishing vessel was necessary as well as a joint inspection checklist. The tripartite committee continued to meet monthly.

2024:

ILO played a significant role in enhancing national coordination mechanisms aimed at improving working conditions on fishing vessels by piloting an initiative with the national tripartite sub-committee in Fiji. By leveraging its existing national tripartite committee, the ILO facilitated regular meetings that clarify roles and responsibilities among stakeholders. This approach has strengthened national efforts by fostering collaboration between government, employers, and workers' representatives, ensuring that all parties are aligned in their objectives to enhance safety and labour standards in the fishing industry. The ILO's support has been crucial in promoting social dialogue and consensus-building, ultimately leading to more effective implementation of policies and practices that benefit workers in this sector.

Nine out of the 11 ILO member states in the Pacific Islands already have established tripartite working committees that discuss national labour and employment issues. They are Cook Islands, Fiji, Kiribati, Palau, PNG, Samoa, Solomon Islands, Tonga and Vanuatu. ILO continues to work with the remaining 2 members – Marshall Islands to revive their tripartite and Tuvalu to formally establish this tripartite mechanism in their labour laws. The Project piloted the initiative in Fiji to include labour issues in fishing as part of the tripartite Committee's agenda and renamed the Fiji tripartite+ Committee under the acronym FLAG – Fisheries Labour Advisory Group. FLAG has since sought to establish itself more permanently by seeking to be a sub-committee co-opted under the Fiji Employment Relations Advisory Board (ERAB) which is the custodian of the Employment Relations Act. In principle, Fiji's Ministry of Labour, Employment and Workplace Relations has agreed to formalise the FLAG committee as a national mechanism for consultation on labour matters and concerns in the fisheries sector, and will pursue the formalisation in 2025.

Sustainability: FLAG continues to meet beyond the life of the LSOFV Project currently works on Fisher's Work Agreement contract, Joint inspection protocol and checklist was finalised for further consultation. Solomon Islands and PNG are the other member states that consultations and awareness have taken place to include labour rights in the fishing sector in the agenda of the Solomon Islands national Tripartite Labour Advisory Committee (TLAC) and the PNG National Tripartite Consultative Council (NTCC).

Develop a mechanism for PICs to engage with and share information with labour source countries (ILO)

2022:

A Study on Labour source countries was initiated and concluded in 2023. The baseline research on the places of origin of fishers working on fishing vessels in the Pacific and their pathways into that work was a critical component of the project aimed at improving labour conditions in the fishing sector.

2023:

The Study confirmed that fishers often experienced significantly different working conditions compared to other sectors, facing challenges such as poor working conditions characterized by long hours, high risks, and low pay. Labour rights violations, including human trafficking and forced labour, were prevalent issues. Additionally, many fishers migrated to the Pacific through informal recruitment channels that could involve deception or coercion. The Study investigated several areas to develop a robust information base, including identifying labour source countries, examining migration pathways, understanding recruitment processes, mapping fishing companies, assessing existing communities of fishers, evaluating current initiatives that informed fishers about their rights, analyzing regulatory schemes, and reviewing communication materials regarding employment conditions and rights. The research findings led to preliminary recommendations for improvements in these areas, with the aim of enhancing the livelihoods of fishers and their communities.

2024:

In-roads were made with the Ship to Shore Rights Project based in Bangkok, Thailand, to share findings and make connections with the ASEAN region. The Ship to Shore Rights project was invited to share their findings and experiences at the Pacific regional workshop in October 2024 with the objective of moving this forward in the future when funding is secured.

Output 2 – Technical and operational support to PICs to develop, implement, monitor and enforce labour standards, including the national implementation of MTCs for Crew Employment Conditions

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In-country specialist advice on the development and strengthening of national legal institutional and operational frameworks to support labour standards for fishing vessels (FFA)

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Specialist advice to identify and develop opportunities to expand and strengthen existing measures to monitor working conditions on fishing vessels including schemes of observation, Port State Measures (PSM), boarding and inspection, electronic monitoring and Port State Control (PSC) (FFA)

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Specialist advice to national agencies to identify, refer and support victims of labour rights violations, human trafficking and related exploitation and to prosecute offenders (IOM, UNODC)

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Capacity building and awareness raising: Training for national agencies to identify and address poor working conditions, labour rights violations and human trafficking on fishing vessels in the Pacific (all Agencies)

2022:

The ILO provided fellowships to 10 females and 8 males to build their capacities through active participation in two online courses offered by ITCILO related to labour inspectors on fishing vessels from Fiji, Kiribati, PNG, Samoa and Tonga.

Training for Labour Inspectors on Fishing Vessels: This course enhanced the capacity of labour inspectors to ensure decent working conditions on fishing vessels. Participants, including officials from flag and port states, trainers of inspectors, and representatives from fishing organizations, acquired knowledge of international labour standards, particularly the Work in Fishing Convention, 2007 (No. 188); skills were also developed to identify and address challenges in inspection systems; and gain insights into planning and managing inspections, understanding roles and responsibilities, and promoting fundamental rights at work in the fishing sector.

Development and Management of Inspection Systems of Labour Conditions on Board Fishing Vessels: This course strengthened the ability of stakeholders involved in fishing to promote decent working conditions through effective inspection systems. Targeted participants include officials, trainers, and representatives from fishing organizations learned about the international regulatory framework governing labour conditions in fishing; enhanced their skills in risk analysis and strategic planning for inspections; identified specific labour issues that require inspection on fishing vessels; and gained understanding of the importance of advising stakeholders on compliance with labour regulations and improving living conditions for fishers.

2023:

In 2023, ITCILO offered the same two online courses that utilized interactive self-guided sessions, live expert-led discussions, quizzes, and forums to enhance learning outcomes. A total of 8

participants, comprising 7 females and 1 male from Papua New Guinea (PNG), Samoa, and the Solomon Islands, engaged in these courses. The participants represented various sectors, including unions, employers, fisheries, and labour departments.

These courses were designed to maximize engagement and facilitate knowledge sharing among participants, contributing to their professional development in the context of labour and fisheries.

2024:

The ILO conducted 4 tripartite training workshops held in Solomon Islands, PNG, RMI and Palau. To support sustainability beyond the Project, the ILO jointly collaborated with ILO Suva Programme unit and expanded the scope of training to Convention 29 on Forced Labour to encourage the ILO Suva to mainstream the fishers' rights issues and the ratification of the Work in Fishing Convention 188 as part of the Decent Work Country Programme (DWCP). The DWCP is the ILO's agreed work with tripartite constituents in each ILO member state.

SOLOMON ISLANDS TRIPARTITE WORKSHOP

The "Improving Labour Standards on Fishing Vessels" workshop took place in Honiara, Solomon Islands, on July 29-30, 2024, with the objective of addressing the significant challenges faced by workers in the fishing sector. The workshop with 3 females and 9 male participants, from the Ministry of Fisheries, Labour Division, Workers Union of Solomon Islands (WUSI), Solomon Islands council of Trade Unions (SICTU), SI Public Employees Union, SI National Teachers Association (SINTA), Solomon Islands Ports Authority, Solomon Islands Maritime Authority and SI Chamber of Commerc and Industry (SICCI), focused on enhancing labour standards and protecting the rights of those employed on fishing vessels. Key objectives included facilitating dialogue among government officials, employers, and trade unions, as well as developing actionable recommendations to strengthen labour protections and enforcement mechanisms. Topics covered during the workshop included occupational health and safety requirements, minimum wage and working hours, grievance procedures, recruitment practices, and inspection mechanisms for labour compliance.

The workshop resulted in increased awareness among stakeholders regarding the importance of improving labour standards and identified key areas for legal and policy reforms. An action plan was developed, outlining roles and responsibilities for subsequent steps, and participants agreed to hold regular dialogue to review progress. The workshop also highlighted the relevance of the International Labour Organization's (ILO) Convention C188, which establishes comprehensive standards for working conditions in the fishing sector. Although not yet ratified by the Solomon Islands, C188 was recognized as a global best practice for improving labour rights and welfare for fishers. The collaborative effort from the workshop is expected to lead to tangible improvements in labour standards across the Solomon Islands' vital fishing sector.

PAPUA NEW GUINEA

The one-day tripartite+ dialogue on labour standards for fishing vessels took place in Port Moresby on November 13, 2024, involving key stakeholders (11 males and 7 females) from PNG's Department of Labour, the Employer's Federation (EF) of PNG, the PNG Fishing Industry Association (FIA), and the PNG Trade Union Congress (TUC), PNG Maritime Union, Fishing boat owners. This dialogue was a

continuation of efforts that began in June 2023, focusing on advancing labour standards in the fishing sector.

Key Developments Leading to the Dialogue

1. **Initial Scoping:** Preliminary discussions commenced in June 2023 to explore how PNG partners could enhance labour standards on fishing vessels.
2. **8th Pacific Tuna Forum:** In September 2023, PNG hosted this forum, which facilitated further discussions on labour issues.
3. **Establishment of a Fishers' Union:** The PNG TUC expressed intentions to establish a fishers' union during subsequent meetings in September 2023.
4. **Regional Workshop:** Following a regional workshop in October 2024, PNG reiterated its commitment to protecting fishers and ensuring sustainable fish stocks in its waters.
5. **PNG FIA request for the ratification of C188:** PNGFIA has officially requested the Government of PNG to officially ratify C188.

Objectives of the Dialogue

1. **Facilitate Dialogue:** Engage government, fishing associations, vessel owners, and trade unions in discussions to collaboratively enhance labour standards.
2. **Develop Recommendations:** Formulate strategies to strengthen labour protections and improve enforcement within the PNG fishing sector.
3. **Draft an Action Plan:** Develop a draft action plan outlining the way forward for PNG tripartite+ fishing stakeholders.

Key Topics Covered

1. Overview of labour issues in the PNG fisheries landscape.
2. Occupational health and safety requirements for fishing vessels.
3. Inspection and monitoring mechanisms for labour compliance.
4. Discussion of Convention 199.

The dialogue initiated a draft framework for ongoing collaboration among the tripartite stakeholders to improve labour conditions in the fishing industry, ensuring both the protection of fishers and the sustainability of fish stocks in PNG waters. The PNG National Tripartite Consultative Council (NTCC) will advance this framework, and the PNG Decent Work Country Programme (DWCP) will incorporate it to ensure that the work continues effectively.

MARSHALL ISLANDS

The ILO successfully facilitated its first Northern Pacific workshop, 12 December 2024, Majuro, in collaboration with the Government of the Marshall Islands' Department of Labor to discuss the implementation and ratification of three key conventions: Convention 29 on Forced Labour, Convention 144 on Tripartite Consultation, and Convention 188 on Work in Fishing. Marshall Islands is undertaking a gap analysis of the legislative framework concerning the Forced Labour Convention, identifying areas for improvement and addressing human trafficking and forced labour. ILO provided capacity-building support for establishing a tripartite structure to enhance social dialogue and promote the involvement of employers' and workers' organizations in labour standards-related activities.

The workshop attended by 16 males and 7 females from Labor Division, Immigration, United Nations Coordinator Office, IOM, MI Disabled Persons Organization (MIDPO), Ministry of Health, Attorney General's Office, Chief Secretary's Office, Foreign Affairs and Trade and Pacific Technical and Further

Education (TAFE) and MI Marine Resources Authority, MI Traditional Canoe Training Centre, Chamber of Commerce and Nurses Association followed up on priorities identified during the Oct 2024 regional workshop held in Nadi on labour standards on fishing vessels, emphasizing the importance of Convention 188. It aimed to raise awareness and foster dialogue among stakeholders to ensure decent work conditions and protect the rights of workers in the fishing industry.

Additionally, with RMI now holding the second largest International Registries in the world flying its flag, she committed to sharing its vessel monitoring data on Global Fishing Watch's public map on 14 April 2022 at the Seventh Our Oceans Conference, bolstering ocean governance and promoting compliance throughout some of the world's richest fishing grounds. The declaration marks the first Pacific Island nation to make its fishing activity visible to the world. These significant steps assist RMI in the long run to easily ratify C188 even more so with compliance to the December 2024 Western Central Pacific Fisheries Commission (WCPFC) decision for PICs to implement the Conservation and Management Measure (CCM) on improving labour standards for crew on fishing vessels by 2028.

PALAU

Palau's consultative tripartite workshop held on 17 December in Koror consisted of 16 males and 13 females from the Ministry of Justice, Bureau of Human Resource and Labor, UNESCAP, UNOPS, IOM, Palau Nurses Association, Palau Chamber of Commerce, Bureau of Customs, Palau Maritime, Bureau of Off-Shore Fisheries, Division of Maritime Law Enforcement and Border Protection, , demonstrated stronger institutional and human resource capacities to address international labour standards. Following discussions during the workshop and bilateral meetings, several areas were identified where further ILO technical assistance was deemed beneficial. These will be incorporated in Palau's DWCP for further follow-up and resources to achieve them:

1. Review of Tripartite Mechanism: There was interest in reviewing the existing legal and institutional framework for the tripartite mechanism established by Executive Order No. 380 in 2015, to ensure it aligned with best practices in social dialogue. This tripartite mechanism would potentially be the best forum to address national labor issues on fishing vessels in future;
2. Training on Fisheries Standards: There was a desire for ongoing training on labour standards within the fishing industry;
3. Ratification of Convention No. 188: Palau's National Marine Sanctuary (PNMS), enacted by the Palau National Congress in 2015, is one of the largest marine protected areas (MPA) in the world. It was the first MPA of its kind, protecting 80% of a country's national waters in a fully protected no-take zone. The Sanctuary came into effect on 01 January, 2020 with support from the Palauan government and several NGOs. The PNMS protects a vast array of marine life and hence commercial fishing was not pursued, apart from coastal fishing for one's own sustenance. While ratification of this convention is not a current priority, there were discussions about potentially re-opening parts of the National Marine Sanctuary for commercial fishing, which could necessitate prioritizing this ratification to meet upcoming compliance requirements set by the Western Central Pacific Fisheries Commission for PICs to implement the Conservation and Management Measure (CCM) on improving labour standards for crew on fishing vessels by 2028.

Specialist advice to develop and implement regional and national data and information collection capacity and systems (FFA, IOM)

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Output 3 – The provision of knowledge and tools for advocacy, awareness raising and social consensus building on improving working conditions on fishing vessels

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Specialist advice and technical support to develop options to establish a fisher's trade union/workers' organizations for Pacific Island nationals employed on fishing vessels (ILO)

2022:

A Study on 'Assessing trade union representation and recommending improvements' was initiated, TOR drafted and shared with relevant partners, advertised and consultant selected. The Study sought to understand the working conditions of fishers in the Pacific's commercial fishing sector, the support frameworks available to them, and the role of worker organizations and civil society groups in providing representation.

2023:

The 'Assessing trade union representation and recommending improvements' Study was concluded in 2023 with several recommendations for the ILO to enhance representation frameworks for fishers in the Pacific Island Countries (PIC) commercial fishing industries.

Key Findings

1. **Poor Working Conditions:** Commercial fishers in the four analyzed countries (Fiji, Papua New Guinea, Solomon Islands and Vanuatu) were often subjected to poor working conditions, likely violating domestic labour laws and ILO conventions.
2. **Limited Capacity of Worker Organizations:** Worker organizations, including trade unions, had limited capacity to adequately support the more vulnerable groups of fishers.
3. **Desire to Work:** Fishers were not coerced into their work; many expressed a desire to continue fishing. However, some employers exploited this willingness.
4. **Diverse Employment:** Fishers found employment on both locally-flagged and foreign vessels, with foreign vessels originating from countries such as Taiwan, Malaysia, the Philippines, China, Japan, South Korea, and Russia.
5. **Labour-Hire Intermediaries or 'agents':** The presence of labour-hire intermediaries was common, particularly in Suva, Fiji, where they assisted commercial vessel operators in finding labour.
6. **Community Connections:** Many labour-hire intermediaries were well-connected within their communities and possessed valuable local knowledge that could be utilized by the ILO or worker organizations to improve information dissemination to vulnerable workers.
7. **Country-Specific Dynamics:** While similar dynamics were observed across the PICs, each country exhibited unique characteristics regarding the capacity, membership, and reach of worker organizations.

Study Limitations: The study faced limitations in scope and timeframe, which restricted the number of identified fisher communities. Identifying more communities would be beneficial for ongoing support efforts.

Recommendations

1. **Leverage Existing Networks:** Utilize existing networks of labour-hire intermediaries to enhance information flow to vulnerable workers.
2. **Develop Worker Representation:** The ILO should explore ways to build worker representation capacity in the commercial fishing sector, potentially through financial and practical support to trade unions and civil society groups knowledgeable about fisher communities.
3. **Targeted Advocacy Campaign:** The ILO should conduct a targeted advocacy campaign to strengthen support for fisher rights in the identified communities.
4. **Pilot in Fiji:** The ILO should prioritize trialing these recommendations in Fiji, where the Suva fisher community is accessible and receptive to support.
5. **Vessel-Level Accreditation:** Collaborate with identified fisher communities to establish a vessel-level accreditation scheme for compliance, sharing information about accredited vessels with fishers,
6. **Further Studies:** The ILO should consider conducting similar studies across the remaining Pacific Islands in the future.

These findings and recommendations aimed to enhance the working conditions and rights of fishers in the Pacific, ensuring better representation and support frameworks.

2024:

PORT VILA

The "Improving Labour Standards on Fishing Vessels" workshop took place in Port Vila on 20-21 November 2024 facilitated by both ILO and PICTU. This workshop addressed the significant challenges faced by fishers in the region, including poor working conditions, labour rights violations, and the lack of effective enforcement of existing labour standards.

1. Key Objectives

Explore the field and facilitate dialogue: The workshop attended by a total of 22 union leaders from the Vanuatu Teachers Union, Vanuatu Workers Union, and Vanuatu Trade Union Combine and Vanuatu Farmers Union (5 females and 17 males) generated excellent discussions amongst different sectors, namely teachers, general works, farmers and fishers to collaboratively enhance labour rights and standards in Vanuatu and specifically in the fishing industry.

Develop Recommendations: Participants worked on formulating recommendations to strengthen labour protections and improve enforcement mechanisms within the Vanuatu fishing sector.

Support VTUC: The workshop assisted the Vanuatu Trade Union Congress (VTUC) with its constitution and advocacy for workers' rights.

2. Key Topics Covered

1. Overview of labour issues in the Vanuatu fisheries landscape.
2. Occupational health and safety requirements for fishing vessels.

3. Inspection and monitoring mechanisms for labour compliance.
4. Legal frameworks, including the ILO Work in Fishing Convention (C188) and the VTUC constitution.

3. Outcomes

1. **Increased Awareness:** There was a significant increase in awareness and commitment among stakeholders to improve labour standards.
2. **Identification of Priorities:** Participants identified key areas requiring legal and policy reforms, as well as improved enforcement strategies.
3. **Action Plan Development:** An action plan was developed, outlining specific roles and responsibilities for stakeholders to follow up on the workshop's discussions such as the 500 fishers in Santos who are relatively unknown members of the Vanuatu Workers Union. The fishers leaders were open to starting their own fishers' branch.
4. **Regular Follow-ups:** There was an agreement to hold regular dialogue and reviews to monitor progress on the action plan as well as allocated more time to capacity building of union leaders and mobilisation of potential members.
5. **Prepare for the next Vanuatu Tripartite Labour Advisory Committee:** Teachers on-going strike issues, work towards the eventual ratification of C188 and establish relations with the fishing boats owners as well as fishers abroad and on Santos.

The workshop represented a crucial step in Vanuatu's efforts to ensure decent work and protect the rights of workers in the fishing industry. The outcomes are expected to guide future initiatives strengthening workers' rights and mobilising more workers, including fishers. The implementation of C188 was emphasized as a vital tool for driving meaningful improvements in fishing conditions across the Pacific Islands.

VANUATU & PICTU

The "Mobilising Fishers in Vanuatu" consultations were held in Port Vila on the 10 December. Participants included 6 females and 16 males from community leaders, representatives from the Vanuatu Trade Union Combine (VTUC), ILO, and the Pacific Islands Council of Trade Unions (PICTU).

This consultation was followed with a site visit to Erakor (9 females and 12 males) on 11 December and Siviri Village on 12 December – 6 males and 3 females (just outside of Port Vila) by PICTU and VTUC. The consultations addressed the challenging working conditions faced by fishers, which include long hours, high risks, poor living conditions, low pay, and extended time away from family and community.

Mobilisation of Workers

Locations: The workshops took place at Chantilly's on the Bay in Port Vila,

Key Sessions and Outcomes

1. **Overview of Labour Standards:** Participants received a briefing on labour standards for fishing vessels and the ILO Work in Fishing Convention (C188), enhancing their understanding of existing protections.
2. **Union Importance:** Discussions highlighted the significance of joining unions to advocate for better working conditions and labour rights.
3. **Fishers Association Introduction:** The workshops introduced the Fishers Association, encouraging participation and collective action among fishers.
4. **Group Work:** Fishers engaged in group discussions to identify key issues they face and develop recommendations for improvement.

5. **Membership Enrolment:** Participants were encouraged to sign up for the Fishers' Association, fostering a sense of community and collective representation.

Results

1. **Increased Awareness:** There was a notable increase in awareness among fishers regarding their rights and the importance of labour standards.
2. **Strengthened Community Ties:** The workshops facilitated stronger connections among fishers, unions, and community leaders, promoting solidarity.
3. **Actionable Recommendations:** The group discussions resulted in actionable recommendations aimed at improving working conditions and advocating for labour rights.
4. **Overall,** the workshops represented a significant step in mobilizing fishers in Vanuatu, empowering them to advocate for their rights and improve their working conditions in the fishing industry.

NORO, SOLOMON ISLANDS

The "Improving Labour Standards on Fishing Vessels" workshop took place in Noro, Solomon Islands, on 25-26 July 2024. This workshop consisted of 8 males and 3 females participants from Noro Ports, Sol Tuna, WUSI and Labour Division. The workshop was conducted by ILO in collaboration with the Department of Labour in the Solomon Islands and the Workers Union of the Solomon Islands (WUSI) to address the significant challenges faced by workers in the fishing sector, including poor working conditions, labour rights violations, and the lack of effective enforcement of existing labour standards.

Key Objectives

1. **Facilitate Dialogue:** The workshop generated discussions among government representatives, port workers, and trade unions to collaboratively enhance labour standards in the fishing industry.
2. **Develop Recommendations:** Participants worked on formulating recommendations to strengthen labour protections and improve enforcement mechanisms within the Solomon Islands fishing sector.

Key Topics Covered

- Occupational health and safety requirements for fishing vessels.
- Terms and conditions of work.
- Overview of the Work in Fishing Convention, 2007 (C188) and its relevance to local practices.

Outcomes

1. **Increased Awareness:** There was a notable increase in awareness and commitment among stakeholders regarding the need to improve labour standards.
2. **Identification of Priorities:** Participants identified key areas requiring legal and policy reforms, as well as improved enforcement strategies. These included the request to the Labour Division to convene the Tripartite Labour Advisory Committee (TLAC) to discuss the concerns of fishers; implore the national unions to come together and pursue the fishers plight especially since the current National Fisheries Development Company is not allowing unions to mobilise or unionise their workers and seek capacity building with the ILO and hold worker's rights workshops.
3. **Action Plan Development:** An action plan was created, outlining specific roles and responsibilities for stakeholders to follow-up on the workshop's discussions.

4. Regular Follow-ups: There was an agreement to hold regular dialogues and reviews to monitor progress on the action plan. These will be incorporated in SI's DWCP for further follow-up and resources allocated where possible. TLAC will be the one with oversight.
5. The workshop represented a significant step towards ensuring decent work and protecting the rights of workers in the Solomon Islands' fishing industry. The outcomes are expected to guide future initiatives aimed at strengthening labour regulations and promoting responsible business practices in the sector.
6. Relevance of C188: The workshop also emphasized the importance of the ILO's Work in Fishing Convention (C188), which establishes comprehensive standards for working conditions and labour protections in the fishing sector. Although C188 has been ratified by over 30 countries, it has not yet been ratified by the Solomon Islands. Implementing C188 is viewed as a global best practice that could help address many labour issues affecting fishing vessel crews in the region. By aligning national laws and enforcement with C188, the Solomon Islands can enhance its international reputation and improve access to export markets that require compliance with labour standards.

Specialist advice and support to consider ways to support the fair recruitment and employment of fishers on vessels and within the fishing sector to promote decent work and prevent forced labour; develop and disseminate information resources for those employed on fishing vessels, for the families and communities of those employed on fishing vessels and those wishing to be employed on fishing vessels (ILO)

2022:

Preparatory work on identifying who's who in the industry commenced.

2023:

Preparatory work with communities initiated with the Transport Workers Union (TWU) as they endeavoured to mobilise fishers to join the union. An Implementation Agreement was issued and the ILO facilitated and worked together with the Ministry of Employment to begin a productive dialogue that led to more engagement in 2024.

2024:

The ILO collaborated with the Ministry of Employment and the Transport Workers Union to engage with Fiji's fishing communities in Kalekana Village, Lami, 01 February 2024 (25 males and 5 females); Caubati Village, 21 March 2024 (15 males and 9 females); and Levuka Village, 20-22 February 2024 (24 males and 4 females) resulting in several significant outcomes:

- **Expert Guidance:** The ILO offered specialized advice on Occupational Health and Safety, fair recruitment practices and employment conditions for fishers, with the goal of promoting decent work and preventing forced labour.
- **Creation of Informational Materials:** The ILO produced a pocket brochure 'Safe on board' (based on the Ship to Shore resource) for fishers and their families and communities, to raise awareness about workers' rights and the significance of fair labour practices in the fishing industry. A talking to series was developed for a wide audience of policy makers and enablers:

Talking to Ministries of Fisheries (Annex 9); Talking To Trade Unions (Annex 10) and Talking to Ministries of Labour (Annex 11) to sensitise labour concerns in the fishing sector was also developed for further use.

- **Local Community Engagement:** The initiatives involved working closely with local communities to ensure that the families of fishers were informed about employment rights and opportunities, thereby creating a supportive environment for fair labour practices.

These combined efforts sought to improve the working conditions and rights of fishers, contributing to a more ethical and sustainable fishing industry in the region.

Awareness raising and training sessions for Pacific Island journalists that cover the range of activities across the Activity (all Agencies)

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Output 4 – Technical support and advice to fishing entities in PICs establish and maintain safe, decent and worthwhile working conditions on fishing vessels

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Technical support to fishing companies and fishing industry associations in PICs, to develop and implement codes of conduct, consistent with regional and international labour and human rights standards (FFA, ILO)

2022:

The Study ‘Mapping private sector actors and regulatory frameworks’ was initiated in 2022. The study assessed the roles of various private sector actors in climate change adaptation and the effectiveness of existing regulatory frameworks.

2023:

The Study ‘Mapping private sector actors and regulatory frameworks’ concluded in 2023. It determined that the issue of labour standards on fishing vessels in the Pacific has gained increasing attention due to the recognition of poor working conditions and labour rights violations associated with illegal, unreported, and unregulated (IUU) fishing. Historically, the focus on IUU fishing has been primarily environmental, but the social dimensions, particularly concerning the welfare of workers, have become more prominent.

Key Findings

1. **Hazardous Working Conditions:** Working on fishing vessels is characterized by isolation, long hours, high risks, poor living conditions, and inadequate pay. These factors contribute to a

significant "decent work deficit" for fishers, with persistent reports of forced labour and severe human rights violations across the industry.

2. Limited Application of Labour Standards: Fishing vessels have often been excluded from broader international labour and maritime conventions. National labour standards are rarely applicable, and existing fisheries management measures do not adequately address working conditions for both national and foreign crew members.
3. Private Sector Initiatives: Over the past decade, private certification schemes have emerged as a response to perceived inadequacies in public regulatory frameworks. These schemes typically involve:
 4. Setting standards based on International Labour Organization (ILO) conventions.
 5. Conducting audits to monitor compliance.
 6. Providing incentives for suppliers to adhere to these standards.
7. Ineffectiveness of Private Regulation: Research indicates that private certification schemes have not led to sustained improvements in labour rights and working conditions. Common criticisms include:
 8. Lack of meaningful worker representation in the design and implementation of standards.
 9. Insufficient transparency and accountability in audit findings.
 10. Inadequate mechanisms for remediation of labour abuses.
 11. Weak enforcement of standards, particularly in high-risk vessels that operate in remote areas.
12. Gaps in Compliance with ILO Standards: All reviewed certification schemes exhibited gaps when compared to ILO C188 standards. Many schemes selectively apply international standards, often avoiding provisions that could negatively impact profitability, such as limits on working hours.
13. Need for Stronger Public Regulation: Experts agree that private regulation alone is insufficient to address labour rights violations. There is a pressing need for improved national regulation and enforcement of labour laws, alongside stronger transnational union activities.
14. Challenges for Vulnerable Workers: The most vulnerable workers, particularly those on Distant Water Fishing (DWF) vessels, are often the least supported by private certification schemes. These workers frequently face informal hiring practices and coercive contracts, making them susceptible to exploitation.

Conclusion

The current landscape of labour standards on fishing vessels in the Pacific highlights significant challenges and shortcomings in both private and public regulatory frameworks. While private certification schemes have proliferated, their effectiveness in improving labour conditions remains questionable. A more integrated approach that combines robust public regulation with effective private initiatives is essential for safeguarding the rights and welfare of workers in the fishing industry.

2024:

- Through several meetings (with FFIA on 26 May, 18 June) and awareness raising of the ILO's tripartite structure in country such as at the Employment Relations Advisory Board (ERAB), ILO supported the Fishing Industry Associations (FIA) in Fiji to work together with the Fiji Commerce and Employers' Federation (FCEF) and to recognize FCEF as the Employers Federation or parent organisation for employers in Fiji. Awareness was also raised with the PNG Fishing Industry Association (PNG-FIA) on the 14 November 2024, following an introduction of PNG FIA to the PNG tripartite meeting from 2023 (15 June) meeting which had PNG workers' and employers' rep and the department of labour (6 males and 4 females) in Port Moresby. This initiative

enables both Fiji and PNG FIA to participate in key discussions regarding labour and employment issues affecting fishers at a national level. By the end of 2024, Fiji FIA had officially become an official member Fiji Commerce and Employers Federation. PNG FIA has indicated an interest to join PNG EF and have lobbied/ written officially to the Department of Labour in PNG to ratify C188. The support enhanced the representation of employers in dialogues about social responsibility, accountability, and sustainability within the fishing sector. By facilitating this recognition, the ILO contributed indirectly to improving the welfare and safety standards for fishers in the region, addressing critical issues such as forced labour and human rights abuses on fishing vessels.

- The Fishing Industry Association (FIA) of Papua New Guinea (PNG) is advocating for the ratification of the International Labour Organization's Work in Fishing Convention (C188). This call aligns with the Western and Central Pacific Fisheries Commission's (WCPFC) endorsement of labour standards for fishing crews.

Key points include:

- **Commitment to Labour Standards:** The PNG FIA has been proactive in implementing a Responsible Sourcing Policy (RSP) that emphasizes crew welfare and compliance with international labour standards, including C188 and other relevant regulations.
- **Ongoing Audits and Compliance:** As part of its commitment, the FIA has initiated an audit program to assess labour conditions on its tuna fleet, with 35% of the fleet already audited and compliant with these standards
- **Alignment with Regional Efforts:** The FIA's push for ratification of C188 is consistent with broader regional efforts to enhance labour standards in the fishing industry, as endorsed by the WCPFC
- **Focus on Ethical Practices:** The FIA ensures ethical practices throughout the tuna supply chain, addressing issues such as forced labour,
 - equitable wages, and worker rights.

The ratification of Convention C188 would further strengthen FIA and PNG's commitment to improving labour conditions in the fishing sector, aligning with international standards and enhancing the welfare of fishers.

Specialist advice and technical support to develop a system of recognition of qualifications and employment pathways (FFA)

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Technical support to develop new or enhance existing initiatives for crew on their rights and obligations to maintain safe, decent and worthwhile working conditions (FFA, ILO)

2022:

The Forum Fisheries Agency (FFA) teamed up with the ILO to successfully learn from each other which made in-roads to greater cooperation in the latter years of the Project.

2023:

FFA participated in the ILO Strategic Compliance Planning workshop, which was meant to enhance the capacity of labour inspectorates in implementing effective compliance strategies. During the workshop, FFA representatives engaged with various stakeholders to discuss the importance of strategic compliance in ensuring decent working conditions for crew members in the fishing sector.

FFA's participation in the workshop allowed them to gain insights into the ILO's approach to strategic compliance planning, which emphasizes proactive and tailored interventions to address labour standards effectively. The discussions focused on the need for collaboration among member countries to strengthen compliance mechanisms and promote the welfare of fishers across the Pacific Islands

2024:

The ILO supported several initiatives for fishers on their rights and obligations to maintain safe, decent and worthwhile working conditions. enhancing the rights and working conditions of migrant workers, particularly in the fishing sector. These initiatives include:

1. Support for the Kiribati Migrant Workers Resource Centre (MRC): the Project donated a desktop computer and 2 desks, 3 chairs, 1 filing cabinet, 1 fridge and office stationery to assist foreign migrants, local and migrant fishers in Kiribati, enhancing their access to resources and information.
 - a. The ILO facilitated a learning tour for Kiribati's Department of labour delegation to several ILO-supported Migrant Worker Resource Centres in Cambodia and Vietnam. This tour provided valuable insights into the experiences of former and potential migrant workers, emphasizing the critical role of MR. The Study Tour was funded by the Millenium Challenge Cooperation, Kiribati Threshold Programme, "Mwakuri Aika a Raraoi Ibukimi 2 Activity ("MARI 2 Activity"): Worker Protection and Family Resilience,". It included 3 Government Delegates (3F) plus 1 from Employers organisation (M), 1 from Employees (F) and one SafeNet NGO (F) delegate, a representative from MCC (F) plus ILO representative (M).
 - b. **Cambodia, 04-10 November 2024: MRC Prey Veng & MRC Kampong Cham**
Stakeholders: Senior and technical representatives from relevant technical departments of the Ministry of Labour and Vocational Training, led by H. E Hou Vudthy, Secretary of State, Employer representative (private sector) Association of Cambodian Private Recruitment Agencies, ACRA, Cambodia, Worker representative (trade union), Civil Society Organization representative. Provincial Department of Labour and Vocational Training, former and potential migrant workers and community leaders, Phnom Srey Organization for Development (PSOD), women migrant worker leaders in the MRC Office, all MRC Staff.
 - c. **Vietnam, 11-13 November 2024: Bac Ninh MRC and Thanh Hoa MRC**
Stakeholders: Center of Overseas Labour (COLAB) and The Vietnam Association of Manpower Supply, Department of Labour (DOLAB), local referral partners, returned

migrants including fishers, trainees/aspiring migrants, Recruiting Association and Agency (VAMAS & TIC), Workers' Families, all MRC Staff

2. Having visited and been able to see pros and cons of various different models of MRCs, Kiribati will now be in a good positions to adapt parts from the models and we started the process of capturing that in the Overseas Workers Resource Centre (MRC) Operational Manual.
3. **A draft working brief for ILO** on how to strengthen the implementation of the Pacific Islands Forum Fisheries Agency's (FFA) Minimum Terms and Conditions (MTCs) for Access by Fishing Vessels concerning Crew Employment Conditions. (Annex 13)

Summary of the Draft Working Brief for ILO:

The FFA, based in Honiara, Solomon Islands, works to bolster national capacities and regional solidarity among its member countries, which include Australia, Fiji, and Papua New Guinea, among others. The agency focuses on sustainable management of tuna fisheries within their Exclusive Economic Zones (EEZs) and provides technical assistance to its members for effective fisheries management.

Key Components of the MTCs

The MTCs for Crew Employment Conditions establish minimum standards for crew welfare, health, and safety on fishing vessels. These conditions apply to both foreign and domestic vessels operating in FFA member waters. The MTCs are crucial for protecting the basic human rights of fishers and addressing issues related to poor working conditions and labour rights abuses

Recommendations for Strengthening MTCs

To effectively implement the MTCs for Crew Employment Conditions, the ILO can support the FFA and its members through the following strategies:

1. **Enhance Training and Capacity Building:**
 - Develop comprehensive training programs focused on safety and best practices in fisheries.
 - Implement certification standards to ensure training quality.
2. **Increase Enforcement and Compliance:**
 - Establish robust monitoring systems to track adherence to MTCs.
 - Enforce strict penalties for non-compliance to deter violations.
3. **Promote Regional Cooperation:**
 - Foster collaboration among member countries for sharing best practices.
 - Implement joint enforcement operations to regulate fishing activities effectively.
4. **Strengthen Labour Rights Protections:**
 - Ensure MTCs include minimum wage provisions aligned with international standards.
 - Address working conditions to meet health and safety regulations.
5. **Engage Stakeholders:**
 - Involve crew members in discussions about MTCs to represent their rights and needs.
 - Partner with NGOs to advocate for improved labour standards.
6. **Incorporate Technology:**
 - Utilize digital tools for real-time monitoring of fishing activities and crew conditions.
 - Implement data management systems to track compliance.
7. **Develop a Feedback Mechanism:**
 - Create anonymous reporting systems for crew members to report violations.
 - Conduct regular reviews of the MTCs based on stakeholder feedback.
8. **Public Awareness Campaigns:**

- Launch initiatives to educate crew members about their rights and the importance of MTC compliance.
- Engage local communities in discussions about sustainable fishing practices.

The ILO can significantly contribute to the effective enforcement of MTCs for Crew Employment Conditions, promoting sustainable and equitable fishing practices across the Pacific Islands. The ILO's role in supporting legal and institutional strengthening, interagency cooperation, and training is vital for achieving these goals.

a. Progress Made towards Incorporating Cross-cutting Themes

2022:

A rights-based approach to programming, gender mainstreaming, social inclusion, environmental sustainability, and the sustainability of project results were incorporated into the terms of reference for all three research studies. These cross-cutting themes were expected to be reflected in the final Study Reports, highlighting the commitment to uphold fundamental rights, promote gender equality, ensure social inclusion, and address environmental concerns throughout the research process. This integration aimed to enhance the relevance and impact of the studies, ensuring that the findings would contribute to sustainable development and the protection of workers' rights in the fishing industry.

2023:

Promotion of Social Responsibility: In July 2023, the ILO linked up with the International Transport Federation (ITF) to find out more on its new project promoting Worker Driven Social Responsibility (WSR) practices, which promote ethical recruitment and employment within the fishing sector. These practices contribute to a more sustainable and ethical framework in the industry, ensuring the well-being of fishers and the protection of marine ecosystems.

Social Responsibility Assessment (SRA Tool): The ILO participated in the Conservation International's (CI) SRA workshop in 21-23 September 2023, which focused on various aspects of human rights and ethical practices within the fishing industry, addressing issues such as labour conditions and recruitment practices.

Workshop Objectives

- **Protecting Human Rights:** Emphasized the need for accessibility to resources for fishers.
- **Ethical Recruitment:** The importance of ethical recruitment practices to prevent fishers from joining vessels under conditions of bondage, referencing the Dhaka Principles, which trace workers from recruitment through to retirement.
- **UN General Principles:** Discussed the relevance of these principles in guiding labour practices, with a specific focus on ILO C188 which sets standards for working conditions in the fishing sector.

Key Findings and Discussions

- **Research on Migration:** The workshop presented research on migration patterns from Indonesia to Fiji, noting that many migrants incur debts linked to recruitment fees and often lack formal contracts.

- RISE Framework: Introduced the RISE framework, which outlines eight steps to success and includes an e-learning resource for training personnel in ethical practices.
- Immigration and Recruitment: Discussed the challenges associated with recruiting foreign workers and the indicators of forced labour as outlined by the ILO.
- Labour Shortages: Acknowledged that the fisheries sector is facing a shortage of workers.

Survey Results

- The workshop also reviewed survey results that highlighted several critical issues:
- National Crewing Policy: The need for the HMTCs to be effectively communicated and implemented at the company level.
- Occupational Health and Safety (OHS): Concerns regarding personal protective equipment (PPE) and the condition of accommodations on older vessels.
- Forced Labour: Identified as a significant issue, particularly affecting foreign workers.
- Child Labour: No instances found, but the need for guidelines to be visible and included was noted.
- Employment Contracts: Emphasized the necessity for contracts for both local and foreign workers.
- Corporate Social Responsibility: Highlighted the importance of transparency in corporate practises.
- Freedom of Association: Stressed the need for workers' voices to be heard through collective bargaining.
- Ratification of C188: Urged for the ratification of ILO C188, particularly concerning shipbuilding as they construct new fishing boats to strategically look at new specifications and rules.

Overall, the workshop served as a platform for addressing critical labour issues in the fishing industry and fostering collaboration among stakeholders to improve working conditions and uphold human rights.

2024:

The Project employed a comprehensive rights-based approach, gender mainstreaming, and environmental sustainability to enhance working conditions in the fishing industry. Here's a summary of the key components:

Rights-based Approach to Programming

Recognition of Rights: The project emphasized the fundamental rights of all workers in the fishing sector, as outlined in the ILO's Work in Fishing Convention, 2007 (No. 188). This included ensuring fair wages, safe working conditions, protection against forced labour and human trafficking, and access to social protection.

Empowerment and Accountability: Workers' rights training workshops held for fishers and their communities aimed to empower fishers to exercise their rights and the Fishing Industry Association to work together to establish accountability mechanisms to address labour rights violations such as grievance procedures and Occupational Health and Safety (OHS). The ILO's involvement was important for grounding discussions in international labour standards, ensuring effective delivery of rights-based initiatives.

Gender Mainstreaming and Social Inclusion

Addressing Inequalities: The project focused on reducing gender inequalities and promoting the inclusion of marginalized groups within the fishing industry. This included:

Promoting equal opportunities and representation for women in fishing-related roles e.g. in fishing communities in Kalekana, Lami, and Caubati (Fiji), spouses were keen to form a fishers' union to assist their families especially when the 'recruitment' agent charges a sum for finding a job for her husband or family member; they cannot reach their spouses at sea for emergencies and they don't have access to a steady income during their spouses' work time at sea.

Addressing gender-based violence and discrimination, e.g. fisher wives have expressed concerns that their spouses often 'drink up' all their wages when they get off the boat. In the community training, ILO highlighted the Convention 190 on Ending Violence and Harassment at the workplace that Fiji has ratified.

Environmental Sustainability

Whilst the ILO did not directly work on promoting sustainable fishing practices to minimize environmental impacts, prevent overfishing, and protect marine ecosystems, it was able to contribute significantly through the following means:

1. **Rights-Based Approach:** The ILO emphasized the importance of a rights-based approach in the fishing industry, which inherently supports sustainable practices by ensuring that workers' rights are respected. This includes fair wages and safe working conditions, which can lead to more responsible fishing practices
2. **Collaboration with Stakeholders:** The ILO facilitated dialogue among governments, employers, and workers through its tripartite committees. This collaboration helped to raise awareness about the importance of sustainable fishing practices and the need to protect marine ecosystems
3. **Capacity Building:** By providing training and resources to improve labour standards, the ILO indirectly supported sustainable fishing practices as improved working conditions can lead to better compliance with environmental regulations and practices that protect marine life.
4. **Promotion of Social Responsibility:** These practices contribute to a more sustainable and ethical framework in the industry, ensuring the well-being of fishers and the protection of marine ecosystems.
5. **Support for Legislative Changes:** The ILO's involvement in advocating for legislative changes, such as the ratification of the Work in Fishing Convention, 2007 (No. 188), aimed to enhance labour standards in the fishing industry, which can lead to more sustainable practices

Through these efforts, the ILO played a sufficient role fostering an enabling environment where sustainable fishing practices could thrive.

III. Progress Achieved Compared with the Indicators in the Results Matrix

Results	Indicator(s)	Baseline Information	Target	Progress during reporting period	Methodology/Data Sources
Long-Term Outcomes					
Fishing entities ¹ in Pacific Island Countries (PICs) promote and maintain safe, decent and worthwhile working conditions on fishing vessels.	Strengthened implementation of crewing standards, codes of conduct and social accountability policies by fishing entities based in PICs.	No [<i>Some implementation, mostly at the sub-regional level, through Pacifica (PNA) and within some MSC certified fisheries.</i>]	Yes		Activity annual report. FFA annual performance reporting. ILO annual performance reporting. Regional Roadmap report card.

Clear regional labour standards are effectively promoted, implemented, monitored and enforced at the national level for fishing vessels flagged to, or fishing in the EEZs of PICs.	# of PICs implementing MTCs for Crew Employment Conditions at a national level	2 [<i>MTCs for Crew Employment Conditions have been added to the licence conditions of two (2) PICs for the 2020 fishing year.</i>]	15		Activity annual report. FFA annual performance reporting. ILO annual performance reporting. IOM annual performance reporting. UNODC annual performance reporting. Licence conditions of PICs. PICs reports to FFA MCSWG. Records of enforcement action taken by PICs in relation to poor working conditions and related offences.
	# of PICs whose MTCs for Crew Employment Conditions are supported by domestic policies or legislation	1 [<i>Crewing policy developed in one PIC.</i>]	8		

Effective local, national, regional and international coordination and collaboration is established that promotes and protects the rights of those employed on fishing vessels.	Regular engagement and consultation at the local and national level on promoting and protecting the rights of those employed on fishing vessels	No <i>[Few examples of planned and regular engagement across functional work areas.]</i>	Yes		Activity annual report. Reports of consultation and engagement completed. Reporting by implementing partners. Reporting by NGOs, CSO's and other organisations.
	Regular engagement and consultation at the regional and international level on promoting and protecting the rights of those employed on	No <i>[Few examples of planned and regular engagement across functional work areas.]</i>	Yes		

	fishing vessels				
Medium Term Outcomes					

Increased capacity to identify and address poor working conditions, labour rights violations and human trafficking.	# of PICs with demonstrated increase in ability of staff in national fisheries, labour and other law enforcement agencies to identify and address working conditions, labour rights violations and human trafficking.	0 [<i>Limited capacity and understanding across national agencies across PICs. Very few examples of successful enforcement.</i>]	8		Training and capacity development reports under the activity. Activity annual reports. PICs reporting to MCSWG. Records of enforcement action taken by PICs in relation to poor working conditions and related offences. Implementing partners annual performance reporting. Successful examples of PICs identifying and addressing these issues.
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Effective monitoring and enforcement mechanisms are established to ensure compliance with regional labour standards implemented at the national level.	# of PICs demonstrating consistent application of monitoring and enforcement mechanisms to ensure compliance with regional labour standards.	0 [<i>Inconsistent application of monitoring and enforcement and often poor collaboration between agencies.</i>]	8		Activity annual report. Number of policies and procedures developed and being implemented. Records of enforcement action taken by PICs in relation to poor working conditions and related offences. PICs reporting to MCSWG.
	# of PICs with clear policies and procedures to monitor and enforce labour standards.	0 [<i>No clear policies and procedures in place within PICs.</i>]	8		

Fishing entities in PICs are committed to promoting and maintaining safe, decent and worthwhile working conditions.	# of PICs with initiatives¹ underway to promote safe, decent and worthwhile working conditions # of PICs that support the Ministers' Declaration on Transnational Organised Crime in the Global Fishing Industry	Not available [<i>A few localised examples of initiatives to promote and maintain safe, decent and worthwhile working conditions are underway.</i>] 6 [<i>Fiji, Kiribati, RMI, Nauru, Palau, Solomon Islands</i>]	8 8		Activity annual report. Reporting by implementing partners. Reporting by industry and industry associations.
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Employment on fishing vessels in the Pacific is more attractive to Pacific Island nationals.	Increased number of Pacific Island nationals employed on fishing vessels Percentage of Pacific Island nationals working as fishers who view employment on fishing vessels as attractive	No To be determined	Yes Twenty per cent above baseline		Activity annual report. FFA annual performance reporting. ILO annual performance reporting. Regional Roadmap report card FFA reports on number of Pacific Island nationals employed on fishing vessels ILO baseline and end line surveys conducted in PICs
Short-Term Outcomes					

¹ A Government Initiative is a defined programme of action by a government agency to promote and enforce improved working conditions for fishers.

A Non-Government Initiative is a defined programme of action by any combination of NGOs, Trade Unions and Industry Associations, to promote and enforce improved working conditions for fishers.

Increased capacity of fishing entities in the PICs to promote and establish safe, decent and worthwhile working conditions.	# of PICs whose fishing entities demonstrate increased capacity to promote and establish safe, decent and worthwhile working conditions	0	4		Activity annual report. FFA annual performance reporting. ILO annual performance reporting. Reports of NGOs and CSOs.
Labour standards, including through MTCs for Crew Employment Conditions, are implemented at a national level by the majority of PICs.	# of PICs who have incorporated the MTCs for Crew Employment Conditions through their regulatory and licensing frameworks	2 [<i>Two PICs have incorporated the MTCs for Crew Employment Conditions in their terms and conditions for 2020.</i>]	8		Activity annual report. FFA annual performance reporting. PICs reporting to MCSWG

A shared understanding of the scale and scope of, and priority actions to address, poor working conditions, labour rights violations and human trafficking on fishing vessels in the Pacific.	All PICs have a consistent understanding of this Activity, the work planned and the need for action to address poor working conditions, labour rights violations and human trafficking on fishing vessels in the Pacific.	No <i>[There is inconsistent understanding of the issue and the action required to address these problems.]</i>	Yes		Activity annual report. FFA annual performance reporting. ILO annual performance reporting. IOM annual performance reporting. UNODC annual performance reporting. PICs reporting to regional fisheries meetings.
Outputs					

The provision of information, opportunities for collaboration and coordination, and technical support to PICs to improve working conditions on fishing vessels.	Coordinated, complimentary and collaborative information provision across all implementing partners and including other organisations.	No. <i>[Some information and support is being provided to PICs, largely independently by implementing partners as part of their business as usual.]</i>	Yes		National fisheries reports to regional meetings. Implementing partners annual reports. Activity annual report. Reports and outcomes of regional meetings.
Technical and operational support to PICs to develop, implement, monitor and enforce labour, including the national implementation of MTCs for Crew Employment Conditions.	Support provided to PICs to develop, implement, monitor and enforce labour standards.	No <i>[Some information and support is being provided to PICs, largely independently by implementing partners as part of their business as usual.]</i>	Yes		National fisheries reports to regional meetings. Implementing partners annual reports. Activity annual report.

The provision of knowledge and tools for advocacy, awareness raising and social consensus building on improving working conditions on fishing vessels.	Tools and information sources developed to support advocacy, awareness raising and social consensus building on improving working conditions on fishing vessels.	No <i>[Some information and support is being provided to PICs, largely independently by implementing partners as part of their business as usual.]</i>	Yes		Activity annual report. Records of tools and information developed and disseminated.
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Technical support and advice to fishing entities in PICs to establish and maintain safe, decent and worthwhile working conditions on fishing vessels.	Support provided to fishing entities in PICs to establish and maintain safe, decent and worthwhile working conditions on fishing vessels.	No <i>[A small amount of information and support is being provided to PICs fishing entities, largely independently by implementing partners as part of their business as usual.]</i>	Yes		Reports by industry. Implementing Partners Annual Reports. Activity annual Progress Report.
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IV. Challenges Encountered and Actions Taken

Challenges	Actions Taken
1. Internal ILO struggles with specialists not knowing the Pacific constituents and context, and frequent change of specialists (changed 3 times) in the span of 3 years.	HR issue for future considerations
2. Joint implementation with FFA, IOM and UNODC and ILO – mandates are not able to converge into one e.g. the ILO's tripartite partners are seemingly left out or diluted.	Making the Activity Governance Group (AGG) consist of a tripartite representation

V. Conclusion

In this section, briefly summarize the key achievements realized during the current reporting period in recognition of the donor's support and outline the next steps in the project's implementation, briefly reiterating – if appropriate for interim reports – any significant and/or persistent challenges anticipated for the upcoming period.

Focus on the future: for interim reports, this means a description of the key activities, outputs and/or outcomes envisioned for the upcoming reporting period. For final reports, note any good practices that have emerged and/or lessons that were learned during implementation. If a subsequent phase or follow-up project is proposed, briefly note this development and outline and concisely describe the intended results envisioned. Be sure to highlight the measures taken by the project to promote the sustainability and/or lasting impact of its intervention(s).

In conclusion, the initiative to enhance labour standards on fishing vessels proved to be a transformative project for the ILO and its national tripartite partners, paving the way for significant advancements in the Pacific Islands' fisheries sector. By prioritizing fishers' rights, the project not only empowered workers but also raised awareness fishing boat owners to operate within a framework of fair labour practices. This balance will foster a sustainable fishing industry that benefits all stakeholders involved.

The government's commitment to effective governance for its Pacific people continues to be reinforced through the integration of the ILO's technical expertise and adherence to its four global pillars of employment, international labour standards, social protection, and social dialogue. The collaborative efforts among government, employers, and workers exemplifies the principles of tripartism, creating a robust foundation for ongoing dialogue and cooperation.

The ILO's dedication to incorporating the outputs of this project into its Decent Work Country Programmes (DWCPs) for each member state underscores its commitment to long-term sustainability. The existing national tripartite mechanisms provide essential oversight for the DWCPs, ensuring that the momentum generated by the Labour Standards on Fishing Vessels Project initiative will continue to thrive. As a result, the groundwork laid during this project not only addresses immediate labour concerns but also sets the stage for a more equitable and prosperous future for decent work employment of fishers and their fishing communities across the Pacific Islands.

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VI. Expenditures and Resource Utilization

Please see the attached financial report.

VII. Annexes

Annex 1: Mapping Study 1 – Private Sector Mapping Study

Annex 2: Mapping Study 2 – Trade Union Sector Mapping Study

Annex 3: Mapping Study 3 – Labour Source Mapping Study

Annex 4: Fiji – Fisheries Labour Advisory Group (Flag) – Correspondence

Annex 5: Fiji – Legislative Gap Analysis vis-a-vis Convention 188 Fisher

Annex 6: Fiji – Joint Inspection Protocol

Annex 7: Fiji – Joint Inspection Checklist

Annex 8: Fiji – Draft Work Agreement

Annex 9: Talking to Ministries of Fisheries

Annex 10: Talking to Trade Unions

Annex 11: Talking to Ministries of Labour

Annex 12: Safe on Board pocket IEC

Annex 13: FFA ILO strengthen MTCs

Annex 2

International Labour Organization (ILO) roadmap to strengthen and enhance the implementation of the Pacific Island Forum Fisheries Agency (FFA) Minimum Terms and Conditions for Access by Fishing Vessels (MTCs) for Crew Employment Conditions

Sarah Lenel

August 2024

Background

The Pacific Islands Forum Fisheries Agency (FFA) strengthens national capacity and regional solidarity so that its members can manage, control and develop their tuna fisheries now and in the future. Based in Honiara, Solomon Islands, FFA's members include Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. FFA was established to help countries sustainably manage their fishery resources that fall within their 200 mile Exclusive Economic Zones (EEZs). FFA is an advisory body providing expertise, technical assistance and other support to its members are responsible for decisions regarding their tuna resources. FFA also provides support to members to participate in regional decision making on tuna management through organisations such as the Western and Central Pacific Fisheries Commission (WCPFC).

The Harmonised Minimum Terms and Conditions for Access by Fishing Vessels (MTCs) are a set of agreed minimum standards that apply to fishing vessels operating in FFA member's waters. The MTCs are a key mechanism to regulate fishing access to FFA member's waters and support the effective management of their fisheries resources. The MTCs apply to all foreign fishing vessels licensed to fish in FFA member's waters. FFA members can also apply the MTCs to their own flagged vessels operating in their national waters. Importantly, the MTCs do not preclude any FFA member from adopting more stringent standards for vessels operating in their waters. The application of the MTCs at the national legislation occurs through national legislation, regulations and/or licensing conditions.

The Forum Fisheries Committee (FFC) is responsible for adopting and amending MTCs as agreed by FFA members. In 2019, the FFC adopted agreed to include Crew Employment Conditions in the MTCs. The MTCs for Crew Employment Conditions impose a responsibility on vessel operators to ensure the health, welfare and safety of the crew onboard their vessels. Through the national implementation of the MTCs for Crew Employment Conditions, operators will be required to meet standards in respect of salary and conditions for all crew. The MTCs for Crew Employment Conditions need to be implemented at a national level and they will only apply to those vessels that are flagged to FFA members and/or licensed to fish in FFA member's waters. The MTCs for Crew Employment Conditions are an important regional step to ensure that the basic human rights are protected for those working on fishing vessels and to identify poor working conditions and labour rights abuses.

The MTCs for Crew Employment Conditions and the International Labour Organization's (ILO) Work in Fishing Convention, 2007 (C188) are both important frameworks designed to improve conditions for those working on fishing vessels. However, they operate at different levels and scopes (Table 1). In considering options for strengthening the MTCs for Crew Employment Conditions, it must be noted that C188 has limited ratification in the Pacific while the effective implementation of the MTCs is a requirement for FFA members.

While both the FFA Harmonised Minimum Terms and Conditions and ILO C188 aim to improve the working conditions of fishing crews, the ILO Convention provides a more detailed and globally recognized standard, covering a broader range of issues. The FFA's guidelines are region-specific and tailored to the unique needs of Pacific Island nations, potentially offering more practical and

immediate benefits within that context. However, the ILO C188 offers a more comprehensive and internationally consistent framework for ensuring the welfare and rights of fishing crews on a global scale.

	FFA MTCs for Crew Employment Conditions	ILO C188
Scope	Specifically applies to the Pacific Island countries and territories.	A global convention applicable to all ILO member states that ratify it.
Applicability	Focuses on the employment conditions for crew on fishing vessels operating in the Pacific Islands region. It aims to standardize conditions across member states to improve labour standards and ensure fair treatment of crews.	Sets international standards for labour conditions in the fishing sector, covering various aspects of employment, safety, and welfare for fishing crews worldwide.
Employment Terms	Specifies minimum standards for employment contracts, working hours, rest periods, and leave entitlements.	Requires written contracts for crew members, specifying conditions such as working hours, rest periods, and termination conditions.
Wages	Outlines requirements for fair wages and timely payment	Mandates fair wages, timely payment, and mechanisms for resolving wage disputes.
Accommodation and food	Mandates minimum standards for living conditions on board, including accommodation and food provisions.	Specifies standards for living conditions on fishing vessels, including adequate accommodation and food, and access to medical care.
Safety	Includes provisions for the safety and health of crew members, although it might be less detailed compared to international standards.	Comprehensive requirements for safety and health, including the need for appropriate safety equipment, regular safety drills, and medical care.
Training	Requires training in safety and emergency procedures, but implementation can vary by member state.	Emphasizes the need for crew training in safety and emergency procedures, and regular updating of skills.
Regulation	Implemented and enforced by the member states of the FFA. Each member country is responsible for applying the terms in its jurisdiction.	Requires ratifying countries to implement national legislation in accordance with the Convention's standards.

	FFA MTCs for Crew Employment Conditions	ILO C188
Enforcement	Varies by country, with possible variations in how strictly the terms are enforced.	Includes provisions for effective enforcement, monitoring, and inspection to ensure compliance with the Convention's requirements.
Workers' rights	Ensures basic rights and protections but may not cover all aspects in as much detail as the ILO Convention.	Provides a comprehensive framework for protecting the rights of fishing workers, including measures for social protection and grievance mechanisms.
Welfare	Includes provisions for the welfare of crew members, such as access to health services and support in cases of accidents or illness.	Strong focus on ensuring adequate welfare provisions, including health care, social security, and protection against exploitation and abuse.

Table 1: Comparative table

Strengthening the MTCs for Crew Employment Conditions must focus on effective implementation at the national level. ILO can offer FFA and FFA members important support in this regard, particularly to

1. Enhance Training and Capacity Building

- **Training Programs:** Develop comprehensive training programs for crew members focusing on safety, sustainability, and best practices in fisheries.
- **Certification Standards:** Implement certification standards for training programs to ensure consistency and quality.

2. Increase Enforcement and Compliance

- **Monitoring Systems:** Establish robust monitoring systems to track compliance with MTCs and ensure adherence to labour rights.
- **Penalties for Non-compliance:** Enforce strict penalties for violations of MTCs to deter non-compliance.

3. Promote Regional Cooperation

- **Information Sharing:** Foster collaboration between member countries for sharing information on best practices and compliance issues.
- **Joint Operations:** Implement joint enforcement operations to monitor and regulate fishing activities effectively.

4. Strengthen Labor Rights Protections

- **Minimum Wage Standards:** Ensure MTCs include minimum wage provisions aligned with international labour standards.
- **Working Conditions:** Address working conditions, ensuring they meet health and safety regulations.

5. Engage Stakeholders

- **Consultation with Crew:** Involve crew members in discussions about MTCs to ensure their rights and needs are adequately represented.
- **Collaboration with NGOs:** Partner with non-governmental organizations to advocate for improved labour standards and protections.

6. Incorporate Technology

- **Digital Monitoring Tools:** Utilize technology for real-time monitoring of fishing activities and crew conditions on board.
- **Data Management Systems:** Implement data management systems to track compliance and outcomes related to MTCs.

7. Develop a Feedback Mechanism

- **Reporting Systems:** Create anonymous reporting systems for crew members to report violations of MTCs without fear of retaliation.
- **Regular Reviews:** Conduct regular reviews of the MTCs based on feedback from stakeholders to ensure they remain relevant and effective.

8. Public Awareness Campaigns

- **Education Initiatives:** Launch campaigns to raise awareness among crew members about their rights and the importance of compliance with MTCs.

- **Community Engagement:** Engage local communities in discussions about sustainable fishing practices and the rights of crew members.

By supporting the implementing these strategies, ILO can support FFA and the FFA membership to strengthen the implementation and enforcement of MTCs for Crew Employment Conditions and to promote more sustainable and equitable fishing practices across the Pacific Islands. ILO has a particularly important role in supporting legal and institutional strengthening, interagency cooperation and training. To effectively provide this support, ILO must continue working closely with FFA and being guided by its priorities. Direct engagement with national fisheries agencies will also be important. The demonstration of successful practices facilitated by ILO will be important to highlight and socialise in the Pacific. ILO will need to balance this with their own mandate to promote the ratification and effective implementation of C188 being mindful that there is general caution in the Pacific regarding the ratification of UN instruments.

Annex 3

Terms of Reference

Fisheries Labour Advisory Group

Co-opting a Fisheries Labour Advisory Group (FLAG) to advise the National Occupational Health (OHS) & Safety Advisory Board (NOHSAB) on labour and OHS standards in the Fiji Fishing Sector.

Background

Fiji is known for its rich and diverse marine resources, including both oceanic and coastal fisheries. With an extensive Exclusive Economic Zone (EEZ), covering approximately 1.3 million square kilometres, the fisheries sector contributes significantly about FJ\$ 68 million (0.8%) to Fiji's Gross Domestic Product (GDP) in 2020. The fisheries sector plays a crucial role in Fiji's economy, providing employment, wages, food security for many coastal communities and opportunities for local fishers to work abroad.

The management of Fiji's fisheries resources is primarily overseen by the Ministry of Fisheries which is responsible for formulating policies, regulations, and strategies to ensure sustainable fisheries practices, conservation of marine resources, and the protection of livelihoods associated with the sector. Fiji has a diverse fishing fleet, including both commercial and small-scale artisanal vessels. Commercial fishing operations target various species, including tuna, reef fish, and other high-value species which are a major export commodity for Fiji.

The legal framework for labour standards in Fiji is primarily governed by the Employment Relations Act (ERA) of 2007 and the Ministry of Employment, Productivity, and Industrial Relations is responsible for enforcing labour standards and ensuring compliance with relevant laws and regulations. The ERA (under review 2025-2026) sets out the rights and responsibilities of employers and employees and establishes the legal framework for employment relationships, including those in the fisheries sector. In addition, Fiji has legislation related to occupational health and safety, the Occupational Health and Safety Act 1996, also administered by MEPIR. This legislation aims to protect workers' safety and health in the workplace, including those employed in the fisheries sector. It requires employers to provide a safe working environment, conduct risk assessments, provide training on safety procedures, and ensure the availability of necessary safety equipment. MEPIR staff conducts inspections,

investigates complaints, and takes appropriate actions against employers who violate labour standards. Fishers are encouraged to report any violations or grievances to the relevant authorities for investigation and resolution.

The current Fiji Fisheries Act (Cap 158) itself contains very few explicit labour standards. It is primarily a resource management and licensing law, not a labour law. Most labour protections for fisheries workers in Fiji come from other laws and regional/international standards. However, there are some labour-relevant elements in the Fisheries Act and its regulatory framework, especially when read together with the Employment Relations Act 2007 and fisheries regulations.

At the regional and international level, Fiji actively participates with fisheries management organizations and agreements. These include the Western and Central Pacific Fisheries Commission (WCPFC) and the Parties to the Nauru Agreement (PNA), and the Forum Fisheries Agencies (FFA) which aim to ensure the sustainable management of tuna fisheries in the region.

The ILO Country Office for Pacific Island Countries is committed to interventions that progress Pacific Island Countries towards decent work. The ILO Office for Pacific Island Countries, in collaboration with the Forum Fisheries Agency (FFA), the International Organization for Migration (IOM) and the UN Office on Drugs and Crime (UNODC), is implementing part of a four-year project to improve labour standards on fishing vessels in the Pacific.

In this regard, a committee is co-opted under the National Occupational Health & Safety Advisory Board (NOHSAB) across tripartite partners (government agencies, employers', including Fishing Associations, and workers' organisations) and CSOs brings together the investigative powers, expertise and resources of multiple partners.

Objective

The objective of the Fisheries Labour Advisory Group (FLAG) is to provide advice and recommendations to the Fiji National Health and Safety Advisory Board regarding occupational health and safety labour standards and labour standards in the fishing sector. FLAG will focus on promoting safe and healthy working conditions, protecting the rights of workers, and ensuring compliance with relevant labour laws and regulations.

Composition

The committee shall be composed of representatives from the following stakeholders:

1. Four tripartite members (2 Government, 1 Worker & 1 Employer) from the Fiji National Health and Safety Advisory Board, and/or the Employment Relations Advisory Board (ERAB), if they so wish to participate.
2. Other relevant government agencies Ministry of Fisheries (1), Maritime Safety Authority (1), Immigration (1), Police (1), Navy (1), Pacific Centre for Maritime Studies – formerly the Fiji Maritime Academy (1), Fiji Customs & Revenue (1) and Ministry of Health (1).
3. Fiji Commerce and Employers Federation (FCEF) – (1)
4. Fisheries industry representatives i.e. Fiji Fishing Industry Association (FFIA) – FFIA executive member (1), Solander (1), Hangton (1), Golden Ocean (1) and other fishing boat owners.
5. Fiji Transport Workers Union – (1)
6. Civil Society Organizations (1 rep each) – Human Dignity Group (HDG), Conservation International (CI), Global Fish Watch, World-wide Fund for Nature (WWF) and any other CSO that work in fisheries and express their interest to join the committee to the chair.
7. International Labour Organization (1)

Roles and Responsibilities

1. Provide up-to-date advice and recommendations and reports to the Permanent Secretary for the Ministry of Employment, Productivity and Workplace Relations (MEPWR) through the Fiji Employment Relations Advisory Board (ERAB) and the Fiji National Health and Safety Advisory Board (NOHSAB) on labour standards, occupational health, and safety issues specific to the fishing sector.
2. Identify emerging labour issues and trends in the fishing sector and propose appropriate measures to address them.
3. Conduct regular assessments of existing labour laws, regulations, and policies related to the fishing industry and recommend necessary amendments or improvements.
4. Promote effective social dialogue and collaboration among stakeholders in the fishing industry to foster a conducive work environment.
5. Develop guidelines, codes of practice, and educational materials to raise awareness about labour standards, occupational health, and safety in the fishing sector.
6. Facilitate capacity-building initiatives, training programmes and awareness campaigns to enhance the understanding of labour rights and safety practices among fishers, employers and relevant stakeholders in the fishing industry.

7. Monitor and evaluate the implementation of recommended measures and initiatives and provide progress reports to ERAB and NOHSAB.
8. Assist in any other way(s) deemed necessary by the Permanent Secretary.

Key Deliverables

1. Annual work plan.
2. Policy and legislative recommendations.
3. Periodic reports on labour and OHS conditions in the fishing sector.
4. Recommendations on training, inspections and enforcement.
5. Contribute to the broader understanding and greater knowledge base and development of the fishing sector in Fiji and the Pacific Islands.

Meetings and Reporting

- a. The FLAG shall meet at regular intervals (every 4th Tuesday of each month), as determined by the chairperson, or when deemed necessary to address urgent matters.
- b. The chairperson and alternate chairperson shall be appointed by the FLAG and shall preside over the committee meetings and facilitate discussions.
- c. The committee shall maintain records of its meetings, decisions, and recommendations.
- d. The committee shall submit periodic reports to NOHSAB and ERAB, summarizing its activities, findings, and recommendations.

Results framework

Overall Impact

Improved decent work, including strengthened labour rights protection and occupational safety and health (OSH), for all workers in Fiji's fishing sector.

Outcomes

1. Improved compliance with labour and OSH standards among fishing operators (industrial and artisanal).
2. Strengthened inter-agency coordination for inspection, enforcement, and referral of labour violations in the fishing sector.
3. Enhanced protection of vulnerable workers, including migrant fishers, women, and informal/artisanal workers.
4. Improved evidence-based policymaking on labour and OSH in the fisheries sector.

Outputs

- Evidence-based policy and legislative recommendations submitted and acted upon.

- Joint inspection and enforcement coordination mechanisms strengthened.
- Guidelines/codes of practice on fisheries labour and OSH developed and disseminated.
- Capacity-building and awareness programmes implemented for stakeholders.
- Periodic analytical reports on labour and OSH conditions produced.

Illustrative Indicators

- % of licensed fishing vessels compliant with labour and OSH standards.
- Number of joint inspections conducted annually across agencies.
- % of fishers with written employment contracts (including migrant workers).
- Number of reported labour/OHS violations investigated and resolved.
- Reduction in reported occupational injuries/incidents in the fishing sector.
- Number of FLAG recommendations adopted by Government and incorporated into policy, legislation, or licensing conditions.

Baselines and targets will be established in the FLAG Annual Work Plan in consultation with relevant agencies.

Accountability Mechanism

1. Advisory-to-Action Pathway
 - FLAG recommendations shall be formally submitted to the National Occupational Health and Safety Advisory Board (NOHSAB) and the Employment Relations Advisory Board (ERAB).
 - NOHSAB/ERAB shall review, endorse (where appropriate), and transmit recommendations to the Permanent Secretary, Ministry of Employment, Productivity and Workplace Relations (MEPWR) for decision and action.
2. Implementation Responsibility
 - Relevant line ministries and agencies (e.g. MEPWR, Ministry of Fisheries, Maritime Safety Authority, Immigration, Police, Navy) shall be responsible for implementing approved recommendations within their mandates.
3. Tracking and Reporting
 - FLAG shall maintain a Recommendation Tracking Matrix, documenting:
 - actions required
 - responsible agency
 - timelines
 - implementation status
 - Progress shall be reported quarterly to NOHSAB and ERAB.

4. Escalation Mechanism

- Where critical recommendations are not acted upon within agreed timelines, FLAG may escalate through NOHSAB/ERAB to the Minister responsible for Employment and Labour.

Key Risks

- Limited enforcement capacity and resources across agencies.
- Fragmentation of mandates between fisheries, labour, and maritime authorities.
- Resistance or low compliance from industry operators.
- Limited availability and quality of data on fisheries labour conditions.
- Under-reporting of labour violations, especially among migrant and informal workers.

Mitigation Measures

- Strengthen inter-agency coordination through joint inspections and data sharing.
- Capacity-building for inspectors and enforcement officers.
- Engagement with industry and social partners to build compliance incentives.
- Collaboration with development partners (ILO, FFA, IOM, UNODC) for technical support.

Key Assumptions

- Continued Government commitment to improving labour and OSH standards.
- Effective participation of tripartite partners and CSOs.
- Availability of technical and financial support where required.
- Willingness of workers to report grievances where protection mechanisms exist.

Alignment with National, Regional and International Frameworks

The work of FLAG shall contribute to and align with:

- Fiji Decent Work Country Programme (DWCP) priorities on labour rights, safe working conditions, and social dialogue.
- Sustainable Development Goals (SDGs), in particular:
 - SDG 8 (Decent Work and Economic Growth)
 - SDG 14 (Life Below Water)
 - SDG 5 (Gender Equality)
 - SDG 10 (Reduced Inequalities)

- Relevant ILO International Labour Standards, including:
 - Fundamental Principles and Rights at Work
 - International Labour Organization Work in Fishing Convention, 2007 (No. 188)
- Regional fisheries and labour frameworks, including those of:
 - Forum Fisheries Agency
 - Western and Central Pacific Fisheries Commission

FLAG shall ensure that its recommendations are consistent with these frameworks and support their implementation at national level.

Inclusion and Disaggregation

FLAG shall ensure that all its work is inclusive and evidence-based, with particular attention to vulnerable and underrepresented groups.

1. Priority Groups
 - Women in fisheries (including processing and informal roles)
 - i-Taukei (indigenous) fishers and coastal communities
 - Migrant fishers and foreign crew
 - Artisanal and small-scale fishers
 - Young workers
2. Disaggregation Requirements

All data, analysis, and reporting shall, where feasible, be disaggregated by:

 - sex
 - age
 - nationality/migration status
 - employment type (formal/informal)
 - subsector (industrial/artisanal/offshore/onshore)
3. Gender and Inclusion Mainstreaming
 - FLAG shall promote gender-responsive and inclusive policies and interventions.
 - Training, awareness, and policy recommendations shall address barriers faced by women and vulnerable groups in accessing decent work in fisheries.

Duration

The Fisheries Labour Advisory Group (FLAG) shall operate for an initial term of 4 years 2023-2026. At the end of the term, the committee's performance and utility will be evaluated to determine the need for its continuation or any necessary modifications.

Confidentiality and Conflict of Interest

Committee members shall adhere to strict confidentiality regarding sensitive information discussed during meetings. Members must also disclose any potential conflicts of interest that may arise during the course of their participation in the committee.

Amendment to these Terms of Reference

These Terms of Reference may be amended or updated with the consensus of the FLAG committee members, subject to the approval of the Permanent Secretary.

These Terms of Reference are intended to guide the activities and functioning of the Fisheries Labour Advisory Group (FLAG) in its role of advising the Fiji Employment Relations Advisory Board (ERAB) and the National Occupational Health and Safety Advisory Board (NOHSAB) on labour and OHS standards in the fishing sector.

Annex 4



Checklist for Fishers' working and living conditions

Labour Inspections on Board Fishing Vessels are carried out pursuant to the requirements of ILO Work in Fishing Convention (C188), Maritime Labour Convention (MLC) 2006, ILO CXXX including other international instruments and National regulations, laws and policies which includes; Employment Relations Act (ERA) 2007, Health & Safety at Work Act (HASAWA) 2006, Offshore Fisheries Management Act (OFMA) 20XX, Fiji National Crewing Policy, Transport Act 20XX, STCW XXX etc.

The checklist provides an overview of areas to be inspected and inspectors should use their professional judgment and expertise when determining the depth of inspection for each requirement. Any labour inspection is only conducted because of grievances or complaints reported by any of the crew, or master of the vessel on board a fishing vessel for a trip. or any worker. Footnote: A full and regular labour inspection will be conducted periodically by MEPIR and MSAF will also conduct periodically a Safe Ship Management System

After an inspection has been completed, the Report shall be filled out and handed over to the Master of the vessel and a copy of the report shall be made available to the representative agencies for information.

In this context, leading inspectors are Fisheries Officers authorised under the Offshore Fisheries Management Act 2012, that carries out boarding and inspections on any fishing vessels using Fiji Ports. This checklist may be amended over time

Name of the Vessel:

Registration No. of Vessel:

Fishing Operator/Vessel Owner/Vessel Agent:

Date of Inspection:

Start Time of Inspection:

End Time of Inspection:

Name of Inspector(s):

Item	Areas to be inspected	Reference	Inspected Yes No		Comments
1	FISHERMEN'S WORK AGREEMENT ("FWA") - Check that the fisher has a written employment agreement that is compliant with the (name e.g. Wages Order and Fiji Crewing Policy) regulations. FWA DETAILS - Check that the employment agreement contains the information outlined below; ✓ Agreement details (<i>see notes 1 - 3</i>) ✓ Place of work (<i>see to note 4</i>) ✓ Capacity of fishers (<i>see note 5 & 14</i>) ✓ Payment of seafarers/fishers (<i>see note 6</i>) ✓ Notice of termination of agreement (<i>see note 7</i>) ✓ Sickness, Injury or Death (<i>see note 8</i>)		☐	☐	
			☐	☐	

Checklist for Fishers' working and living conditions

	✓ Health & Social/Welfare benefits (<i>see note 9</i>) ✓ Paid Leave (<i>see note 10</i>) ✓ Repatriation (<i>see notes 11</i>) ✓ Hours of work (<i>see note 12</i>) ✓ Grievances/Disciplinary Procedures ✓ Non-compliant provisions in the agreement (<i>see note 14</i>) ✓ Certification by Vessel Owner and Fishers (<i>see note 15</i>) ✓ Changes during the validity of the agreement (<i>see note 16</i>).					
2	RECRUITMENT AND PLACEMENT • Check if fishers are recruited through a licensed manning/recruitment agency. • If there is a cadet/trainee arrangement on board, check that requirements in the Regulations are being complied with.	ERA 2007, STCW Regulation	☐	☐		
3	HOURS OF WORK AND REST • Check that the documentation on shipboard working arrangements, registration and control of hours of rest are on board that it is in compliance with provisions of the regulations (<i>see note 12</i>).		☐	☐		
4	MEDICAL DECLARATION OF FITNESS TO WORK • Check that fishers have a valid medical certificate in accordance with the regulations. Note: FFIA – Medical Declaration of Fishers are not relevant; check with MEPIR		☐	☐		
5	QUALIFICATIONS OF FISHERS • Check that fisher's relevant certificates • Check that basic safety and emergency preparedness training are in accordance with the Regulations.		☐	☐		
8	MANNING • Ensure compliance with the Manning requirements under the regulations.		☐	☐		
9	ACCOMMODATION • Check that ventilation in accommodation spaces is working satisfactorily.		☐	☐		
			☐	☐		
			☐	☐		

Checklist for Fishers' working and living conditions

	- Check that doors and emergency exits are easy to operate from both sides and that exits are marked in accordance with the Regulations. - Check that faucets, washbasins, showers, and toilets are working satisfactorily. - Regular inspections of accommodation, galley and sanitary areas shall be carried out and documented including the maintenance and cleaning in work spaces; ENGINE ROOM - Check state of cleanliness in engine room (spillage of oil etc.) with regard to slipperiness and potential fire hazards.		☐	☐		
10	FOOD AND CATERING - Check general hygiene and that sufficient provisions are available on board and properly stored. - Check that drinking water has been inspected by competent personnel, and that necessary equipment for such inspections is on board.		☐	☐		
11	HEALTH AND SAFETY AND ACCIDENT PREVENTION - Check for OHS Policy and whether the crew have had OHS training - Check for a zero tolerance harassment Policy MASTER'S RESPONSIBILITY - Check that the Master is familiar with his responsibility for the crew's working environment, safety and health. - Ensure that first aid kits are always available on board RISK ASSESSMENT - Check that there is documentation that regular risk assessments are conducted. TRAINING - Check for documentation that there is adequate training in accordance with the Regulations.	HEALTH & SAFETY AT WORK ACT (HASAWA) 1996, GENERAL WORKPLACE CONDITIONS (GWC) REGULATIONS 2021	☐	☐		

	• Emergency/Evacuation Plan • Fire Safety and First Aid REPORTING OF OCCUPATIONAL INJURIES • Check that occupational injuries are reported according to Regulations. • Check whether there is a safe work procedure. • Injury, Accident Disease Register PERSONAL PROTECTIVE EQUIPMENT (PPE) • Check that the PPE is suited to the existing work place; that PPE is properly maintained and cleaned; that PPE is only used for the purpose for which it was designed; • Check that procurement of PPE is in accordance with the Regulations; if the crew is familiar with the various hazards PPE is designed to protect against, and if adequate training has been provided in how to use it. WORK EQUIPMENT • Check that work equipment on board has been inspected and maintained regularly, that work instructions have been developed for the use of particularly dangerous work equipment, and that the crew is being informed and trained in its use. PROTECTION AND ENVIRONMENT WORK • Check compliance with the Regulation for the election and number of safety representatives. • Check that required meetings are held and that minutes are kept. • Check that safety representatives receive required training.	☐ ☐ ☐ ☐	☐ ☐ ☐ ☐	
NOTES				
Note 1 - “insert date of birth or age” - Normally the date of birth in full (Day, Month, Year). Fisherman’s age at the time the agreement was signed should be used only where there is no means of establishing the Fisherman’s date of birth. Note 2 - “Name and Address of employer or fishing vessel owner or other party to the fisherman’s work agreement”. i. For employed fishermen If the Fisherman is employed, the name and address of the employer should be inserted at Point (2) of this agreement.				

Checklist for Fishers' working and living conditions

ii. For self-employed share fishermen

Insert the name and address of the fishing vessel owner or manager, who takes responsibility for ensuring that the terms and conditions under which the fisherman works compliance with the relevant legislations including the Work in Fishing Convention on board the fishing vessel.

Note 3 - "The Place where Agreement is entered into": the name of village, town or city (and if outside Fiji, the country), or the name and port of registry of the fishing vessel, where the Agreement is signed by the parties to it.

Note 4 - "Place of Work":

EITHER the name or registered number of the vessel on which the Fisherman is to work, where this is known; OR where the Fisherman may be employed on more than one vessel, enter "Place of Work may be on any vessel owned, managed or chartered by [insert name of the fishing vessel owner]".

Note 5 - "Capacity in which Fisherman is to be employed/engaged"

The capacity in which the Fisherman is to be employed/engaged at the time the agreement is signed by the parties to it. See also note 16.

Note 6 Payment of Fishermen

i. For employed fishermen

The amount of wages, 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.

When wages will be paid and by what method (cash/bank transfer etc).

ii. For self-employed share fishermen

This section must set out how and when the fisherman will be remunerated, including how the share of the catch is calculated, and identify any deductions, and how they will be calculated.

Note 7 Notice of Termination of Agreement

The period of notice required to be given to the Fisherman by the fishing vessel owner must not be less than that required to be given to the fishing vessel owner by the Fisherman. Share fishermen and fishing vessel owners engaging share fishermen are not required to give notice to each other.

Note 8 Protection in the event of sickness, injury or death in connection with service

This includes provisions for compensation from the fishing vessel owner in case of occupational injury, sickness or death payable in accordance with the Accident Compensation Act 2017 and its amendment thereof.

Note 9 Health and Social Security Protection Benefits

This includes payment by the fishing vessel owner of any costs of medical care in respect of any sickness or injury occurring during the term of this agreement and until the Fisherman is repatriated.

On a Fiji registered vessel, the provision of medical care includes any surgical or medical treatment or such dental or optical treatment (including the repair or replacement of any appliance) which is necessary during the term of the agreement.

In case of wreck or loss of the ship, employed crew members are entitled to wages at the rate payable under their work agreement (excluding any element based on a share of the catch) for any period of unemployment as a result of the wreck or loss, for up to(in accordance with Fiji legislations and regulations).

Note 10 "Paid Leave" (employed fishermen only)

Checklist for Fishers' working and living conditions

The period of paid leave per annum is primarily a matter between the fishing vessel owner or employer if different and the Fisherman but must be not less than the period of statutory paid leave specified under the relevant regulations;

- (pro rata for periods of less than one year or part time employees)

Where it is more appropriate to do so, the formula to be used for calculating annual leave may be stated.

Note 11 Repatriation

- Circumstances in which the fisherman may no longer be able to carry out their duties may include -
 - shipwreck
 - the sale of the vessel or a change in the vessel's registration
 - illness or injury or other medical condition, diagnosed by a Doctor as requiring repatriation,
 - fishing vessel is proceeding to a [high risk area]
- The destination for repatriation should be stated in the agreement. If not stated, the fisherman is entitled to be repatriated to one of the following:
 - the place where the Fisherman entered into their employment agreement; and
 - their country of residence.
- Maximum duration of service periods after which you are entitled to repatriation The maximum period of service following which a Fisherman will be entitled to repatriation is to be weeks minus the period of statutory paid annual leave (where applicable - see note 11). Fishing vessel owners/employers must not require a Fisherman to continue to serve on board once the maximum period of service has expired except in an emergency or similar extenuating circumstances.
- There is no statutory obligation on a fisherman to take repatriation at that time if he/she chooses to serve on board for a longer period e.g. to complete a period of sea time for certification purposes. However, the fisherman has a duty to ensure that they are not putting the health and safety of others at risk and should consider whether extending their contract may lead to fatigue.

Note 12 Hours of Work (included in agreement for employed fishermen only)

The hours of work for fishermen on Fiji registered vessels must comply with the requirements of the relevant legislations and regulations. For employed fishermen, this section should indicate the normal hours for which they are paid and any provision for overtime and the rate paid for that will depend on the overtime remuneration policy.

Note 13 Pension benefits (employed fishermen only)

Details of any employer pension scheme must be recorded, if applicable. In addition, where the employer makes deductions from the Fishermen wages towards any additional pension benefits (e.g. FNPF Pension) to which a Fisherman may be entitled, it is recommended this is noted.

Note 16 Non-compliant provisions in the agreement

Examples of clauses which would not be acceptable under Fiji law and legislations, include:-

- requiring that all Fishermen belong to a union or forbidding membership of a union. Under ILO Convention 87 on Freedom of Association, which has been ratified by Fiji, workers are free to form and join appropriate organizations of their own choosing, but equally under the Employment Relations Act ("ERA") 2007 they cannot be required to do so. However, it is not acceptable for fishing vessel owners, employers or anyone else to discriminate against, or take action against those who either choose to join a union or who choose not to join a union.

Checklist for Fishers' working and living conditions

- (b) requiring that Fishermen join a specified union - Apart from the previous provision regarding choice on whether or not to join a union, such a provision would also be in conflict with the International Labour Organisation Convention on Freedom of Association. This Convention has been ratified by Fiji and provides that workers shall be free to form and join organizations of their own choosing. It is however acceptable to promote membership of a trade union that has signed a collective agreement with the fishing vessel owner albeit without an obligation on the Fisherman to join that union.
- (c) requiring that by signing the agreement Fishermen automatically agree to medical information about themselves being passed to the fishing vessel owner or another party acting on behalf of the fishing vessel owner. - This is not acceptable and may only be done with the specific prior authority of the Fisherman on each occasion the fishing vessel owner requests that such information be made available.
- (d) requiring that a Fisherman bear the cost of his repatriation, and the cost of providing his replacement, should he terminate his employment prior to completing the specified period of employment even though he gave the period of notice to terminate his employment that was required by the agreement. A Fisherman can only be charged the cost of his repatriation if he has breached his obligations under the agreement or has been dismissed on disciplinary grounds. The period of notice specified in this agreement would not constitute breach of the Fisherman's obligations even if the Fisherman terminated employment before the date envisaged in the agreement.
- (e) requiring payment, or deduction of wages, for items which the legislation requires to be provided free of charge, for example, accommodation, food and catering, provision of personal protective equipment, medical care – The ERA 2007 and other applicable regulations to workers including Fishermen only permit certain specified deductions to be automatically made from the wages. For employed fishermen, these do not include costs incurred in providing accommodation, food and catering, personal protective equipment and medical care to the Fishermen.
- (f) the levying of fines on a Fisherman by a fishing vessel owner in respect of a breaches of that Fisherman's obligations under this agreement as a disciplinary action. The ERA 2007 prohibits fines to be levied on Fishermen by fishing vessel owners in respect of disciplinary offences.

This list is illustrative only and should not be taken as listing all provisions that would be considered unacceptable.

Note 17 "Certification by Fishing vessel owner and Fisherman"

The fishermen signing this agreement must be given an opportunity to examine and seek advice on the terms and conditions of that agreement before signing it, and have any other facilities they need to ensure that they have freely entered into this agreement with sufficient understanding of their rights and responsibilities.

The agreement must be signed by the fisherman before the vessel leaves the port.

Note 18 - Changes during the period of validity of the Agreement

If during the validity of the agreement, the capacity in which the Fisherman is employed, their wages or the way they are paid is likely to change, the fishing vessel owner may wish to consider whether a new agreement should be issued in such circumstances or alternatively could include a provision in the agreement indicating how any changes to capacity will be dealt with e.g. by means of a letter.

Commented [VT1]: Suggest this be "Endorsement of Agreement by Fishing vessel owner and Fisher"

Annex 5

JOINT LABOUR INSPECTION ON BOARD FISHING VESSELS PROTOCOL IN FIJI ("PROTOCOL")

Introduction

Commercial fishing provides one of the world's most essential sources of food. Yet work on board fishing vessels is often associated with hazardous conditions of work, and it has many characteristics that set it apart from other types of work and livelihoods. Globally, fishing is ranked as one of the four most dangerous occupations in which to work, in terms of loss of life, serious injuries, and occupational disease. The 2021 Global Estimates indicate a total of 128,000 fishers in forced labour worldwide. However, because measuring forced labour aboard fishing vessels poses several unique challenges, this figure likely significantly understates the full extent of the problem¹.

"Decent work deficits" in fishing include lack of freedom of association, and collective bargaining, low wages, long hours of work and poor working time arrangements, poor occupational safety and health standards, poor general working and living conditions on board vessels, lack of social security, discrimination, gender inequality, weak social dialogue, and in some instances, forced labour, trafficking in persons ("**TIP**") and child labour.

These conditions and the nature of fishing work pose serious challenges for government authorities and inspectors charged with protecting fishers and ensuring compliance with legal standards. In many countries, protecting fishers is complicated by a lack of laws, gaps in the system of laws, regulations and other measures that countries established to protect workers.

The monitoring and enforcement of laws and regulations on board fishing vessels often presents a challenge as vessels are, by the nature of their work, usually at sea and not easily available for inspection. Furthermore, various aspects of working and living conditions may also come under the jurisdiction of several different government ministries and agencies, requiring careful coordination and collaboration.

Effective cross-agency joint actions across government can be an effective deterrent by bringing together the investigative powers, expertise, and resources of multiple partners.

The "Protocol"

This Protocol intends to provide a collaborative and coordinated effort in addressing labour conditions on board fishing vessels ensuring a decent, safe and sustainable work environment through the detection and investigation of 'decent work deficits' including the provision of

¹ International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM): *Global estimates of modern slavery: forced labour and forced marriage* (Geneva, 2022), p. 32-33, [accessed 16 Aug. 2023].

assistance and protective services to the victims. These efforts are in addition to possible criminal prosecution of perpetrators.

The Protocol establishes the mandate and guidelines for joint inspection activities, including referral of victims for protection and assistance programmes, and prosecution by:

- a) helping the agencies collaborate in the detection and investigation of 'decent work deficits' labour situations;
- b) assists the agencies to make coordinated decisions in relation to any form of forced labour including TIP cases;
- c) ensuring an efficient and effective coordinated effort to enable the protection of victims through appropriate interventions;
- d) identifying referral pathways and to coordinate referral efforts among the agencies and provide assistance including the protection of victims of forced labour including TIP. The Protocol also recognizes the right of the victim to choose the preferred intervention method by the relevant government agencies, worker organizations including relevant civil society organization; and

ROLES AND RESPONSIBILITIES OF ENFORCEMENT AGENCIES

The Protocol will be enforced and administered by the following respective government agencies:

1. MINISTRY OF EMPLOYMENT, PRODUCTIVITY & INDUSTRIAL RELATIONS ("MEPIR")

MEPIR has the primary responsibility of enforcing the statutory provisions under the Employment Relations Act ("ERA") 2007 and the Health and Safety Workplace Act ("HASAWA") 1996. Its primary role and goal is to promote decent work for all workers ensuring a safe, healthy and sustainable work environment is provided through effective Labour Standards and OHS inspection systems and processes.

2. MINISTRY OF FISHERIES ("MOF")

MoF primarily have the mandate and responsibility to ensure sustainable management and development of the fisheries' resources.

3. MARITIME SAFETY AUTHORITY OF FIJI ("MSAF")

The Maritime Safety Authority of Fiji is the sole regulatory authority in Fiji that monitors and ensures all vessels registered in Fiji comply with all International Maritime Organisation (IMO) instruments the Fijian Government has ratified. MSAF is responsible for the overall safety of all maritime operations in Fiji, focusing on the following key areas;

1. *Safety Regulation & Marine Environment Protection;*
2. *Ships & Seafarers Registrar – Responsible for maintaining a Ship Register and for meeting Government's commitment under international convention.*
3. *Safe Shipping in ensuring that all Fiji registered vessels are seaworthy and are safely managed.*
4. *Compliance in ensuring that all seafarers and maritime users comply with the laws that MSAF administers.*

5. FIJI IMMIGRATION DEPARTMENT (“FID”)

The FID under the Office of the Prime Minister is responsible for providing an efficient and effective Immigration service through the administration and enforcement of the following Laws: Immigration Act 2003 and Regulations; Passport Act 2002 and Regulations; and Citizenship Act 2009 and Regulations.

FID objectives are geared towards ensuring the integrity of Fiji’s borders and the effective management of people movements into and out of Fiji.

6. MINISTRY OF HEALTH & MEDICAL SERVICES (“MHMS”)

MHMS have responsibilities for specific aspects of inspecting working and living conditions on board vessels. MHMS play a vital role in improving safety, hygiene, and health for fishers.

7. FIJI POLICE FORCE (“FPF”)

The primary responsibility of the FPF is to prevent any form of forced labour including TIP related offenses in accordance with the Crimes Act 2009 and it is mandatory for FPF to investigate and to initiate the appropriate criminal justice actions in consultation with the Director of Public Prosecutions Office (“ODPP”).

8. FIJI NAVY

The Fiji Navy is responsible for maritime needs in border control, such as watching over Fiji’s exclusive economic zone and organising task and rescue missions.

9. FIJI CUSTOMS & REVENUE SERVICES (“FRCS”)

The Fiji Revenue and Customs Service safeguards our country from potential outside threats and secure exports, imports, and travellers with other countries all over the world.

10. OTHER GOVERNMENT AGENCIES & STAKEHOLDERS

Other key stakeholders include the Fiji Fishing Industry Association (“FFIA”), Transport Workers Union (“TWU”), Pacific Centre for Maritime Studies (“PCMS”), including Civil Society Organizations (“CSOs”) and international bodies and regional such as International Labour Organization (“ILO”), International Organization for Migration (“IOM”), International Maritime Organization (“IMO”), Pacific Islands Forum Fisheries Agency (“FFA”) etc. to support the enforcement agencies in providing assistance and participating in the following;

- a. organized trainings, workshops, seminars, meetings associated with improving labour conditions for fishers and crew;*
- b. support running of community-based programs/projects in improving labour conditions for fishers and crew;*
- c. establish, implement policies and guidelines on labour conditions (e.g. grievance and child/forced labour) on board fishing vessels; and*
- d. providing victim assistance and support.*

INTERNATIONAL AND NATIONAL LEGAL CONTEXT

Fiji's legislations and policies are underpinned by the principles and philosophies of the United Nations (UN) International Conventions which Fiji has ratified as outlined below;

International Context

- ILO Forced Labour Convention, 1930 (No. 29);
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182), ratified 2002;
- ILO Minimum Age Convention, 1973 (No. 138), ratified 2003;
- ILO Labour Inspection Convention, 1947 (No.81), ratified 2008;
- Maritime Labour Convention 2006 and amendments thereto; and
- International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW), 1978 and amendments thereto.

National Context

- Constitution of the Republic of Fiji 2013;
- Employment Relations Act 2007;
- Health and Safety at Work Act 1996;
- Accident Compensation Act 2017;
- Offshore Fisheries Management Act 2012;
- Offshore Fisheries Management Regulations 2014;
- Immigration Act 2003;
- Maritime Transport Act 2013;
- Maritime (STCW Convention) Regulations 2014; and
- Crimes Act 2009.

JOINT INSPECTION ("JI") PROCESS

Planning

1. JI will be conducted by the enforcement agencies on a quarterly basis as and when the need arises. Initial checks will be conducted by the Ministry of Fisheries' authorized officers upon boarding and inspection of fishing vessels. The enforcement agencies will coordinate, plan activities, and discuss the implementation of the protocol. Correct planning of an inspection is crucial, and the Strategic Compliance Planning Model for Labour Inspectorates will be implemented².
2. JI planning begins with the identification and specification of a case that requires interagency cooperation. JI must be carefully timed, which also depends on whether they are proactive or reactive:
 - a) *Proactive visits can be regular (preventative inspections), follow-up to check compliance, or part of a strategic approach to target identified risk companies or sectors.*
 - b) *Reactive visits usually follow an accident or complaint registered by workers, trade unions, non-governmental organizations or employers, or media attention.*

² International Labour Organization (ILO): *ILO Approach to Strategic Compliance Planning for Labour Inspectorates* (Geneva, 2017), pg. 1-11 [Accessed on 10:39am, 17 Aug 2023]

Both types of inspection can be announced or unannounced, according to national practice and the timing of a JI therefore depends on these factors, plus sector-specific characteristics.

JI Implementation

1. The implementation phase describes the on-site JI and all team members follow the instructions included in the Inspection Plan. Decisions (including any unexpected developments or necessary flexibility within the Inspection Plan) are made by the coordinators in consultation with the other enforcement agencies.
2. Inspectors look to clarify details of inspection cases, for example, by identifying all activities and workers onsite. The employer or responsible manager may be asked to provide a list of all registered workers, their employment status including the Fisher Work Agreements or employment contracts comprising the minimum terms and conditions of employment consistent with international and national laws **[ANNEX 1]**.
3. Information gathered is then compared with the statements of workers, documents and official registers or databases. The precise methodology of a JI is based on the mutual agreement of the involved authorities.

Briefing/Debriefing

A briefing/debriefing should be held before/after an inspection. All enforcement agencies are required to be present in the briefing before the inspection.

Post JI Reporting

1. An inspection is not complete until the JI coordinator (MEPIR) has completed the Post Inspection Report. MEPIR will compile the report on the outcome of the inspection including the overall operational running of the JI within six (6) months of the end of the inspection.
2. The Post inspection report will identify any potential follow-up based on the findings. If a follow-up inspection is required, the JI coordinator will seek the support from the respective enforcements where applicable.

Monitoring and Evaluation Results of JI

1. JI are evaluated to check if they have met the pre-set inspection targets according to the plan and to identify any unforeseen impact from the action.
2. In order to collect information on an ongoing basis on progress towards the objectives and to report effectively, a set of key performance indicators (KPI) targets both quantitative and qualitative indicators will be included in the Post Inspection Report. This will help identify gaps and provide critical reflection and potential improvement of tools, processes, and enhance the efficiency of future JI.

Sharing of Information/Data

- a) The information gathered during the joint inspection will be documented in the MEPIR's Paperless Labour Inspection System ("**PLIS**").

- b) The Joint Inspection/Investigation Reports will be documented and submitted to the Permanent Secretary for the MEPIR who will disseminate the post inspection report to the respective enforcement agencies where necessary.

Communicating Key Findings

In addition to communicating with enforcement bodies outlined in the planning phase, internal and external communication can maximize the impact of JI: Externally, to inform other authorities, in order to:

- a. *Enable expansion of the case and the benefits of its findings;*
- b. *Enhance understanding of complex cases operating in the sector; and*
- c. *Improve measures by countering or preventing any labour violation cases, and sharing lessons learnt.*

Internally, to share results and lessons learnt with colleagues and inspire an interagency working culture.

Sharing results widely and learning from past inspections to improve labour conditions with the public can also increase the impact of a JI and these include:

- a. *Press releases, Social media, Leaflets;*
- b. *Workshops for sharing experiences;*
- c. *Common learning online platforms and forums; and*
- d. *Possible creation of a national database containing inspection case summaries.*

REFERRAL SYSTEM

For any labour conditions violations, including forced labour and TIP, a report will be compiled and submitted to the relevant agencies for further action(s). The Reporting process is outlined below:

1. Receive complaint

- a) The Ministry receives complaints from workers and members of the public and stakeholders.
- b) Issues identified during joint labour inspections

2. Conduct investigations in accordance with JI Protocol;

- a) Are there any elements of Human Trafficking/Force labour? If yes, matter to relevant agencies for investigation and other necessary intervention (victim protection and assistance).
- b) Are there any breaches of Employment Relations Act 2007? If yes, matter to be investigated within Labour inspections SOP and referred for prosecution if employer fails to comply.

3. Prepare report and Update database before closing case

- a) If there are no breaches of ERA 2007, Criminal Act, Immigration Act etc., officer to prepare report and update database before closing file.



Annex 6

FISHER'S WORK AGREEMENT ("Agreement") for Fiji nationals

(1) EMPLOYED* FISHERS (CONTRACTED FISHERS WILL HAVE A SEPARATE AGREEMENT)

This Agreement is between:-

(1)

(insert Fisher's full name) hereinafter called the Fisher

.....

(insert date of birth or age (see Note 1))

.....

(insert place of birth – town and country)

AND

(2)

.....

.....

(insert name of fishing vessel) owner or Employer* as appropriate – see Note 2(1))*

hereinafter called the fishing vessel owner / employer**

OF

.....

.....

(insert full name and address of fishing vessel owner or Employer* as appropriate)*

Place where this Agreement is entered into *(see Note 3)*

Date when this Agreement is entered into

1.0 Place of Work

You will be employed on [vessel name and registration number]

[any vessel owned, managed or chartered by the fishing vessel owner*] (see Note 4)

2.0 Voyage or voyages to be undertaken (if this can be determined at the time of making this agreement);

3.0 Capacity in which fisher is to be employed

The capacity in which you are initially employed is: SKILLED, GRADUATE AND UNSKILLED OR CREW & GRADUATES

Comment: Deckhand Fishing Course (1 month) offered by FMA-Pacific Centre for Maritime Studies (PCMS) for the first time (includes work ethics) – upon graduation, they are considered to be skilled workers; need to ratify STCW-F, C188 eventually; consideration wage council for maritime/fisheries; FFIA – ‘unskilled’ based on experience;

(insert capacity)(see Note 5)

4.0 Place, time and date fisher is to report onboard for service (if possible)

5.0 Provisions to be provided to the fisher (if applicable) (see Note 6) – Food – nutrition, sufficient etc – ref C188

6.0 Wages (insert amount and currency) per week*/month*/year* trip (see Note 7)

Your wages will be
(insert formula for determining wages) (fixed rate per day multiplied by number of days)

7.0 Means of payment of Wages

Your wages will be payable by..... [insert method of payment by cash and/or bank transfer immediately after off-loading] at weekly*/monthly*per trip (delete as appropriate) intervals on the [insert number] day of each week*/month*

(delete as appropriate) Comments: Paid cash – fishers tend to ‘drink up’ all their wages; C188 – % of wages to be transmitted to family via a signed authority through the bank, (Fiji’s ERA doesn’t specify paid electronically); RBF after April – no more cheques; FCEF asking to give more time to adjust; FFIA – payment done after work is completed; no set schedule depending on the weather etc;

8.0 Definite Period of Agreement Notice of Termination of Agreement (Delete whichever is not applicable) (See Note 8)

(a) Definite Period Agreement – per TRIP (from date signed on to date signed off) varies from 2 weeks to 3 months)

(a)(b) In cases of engine/ mechanical trouble, emergencies such as *force majeure*, where the vessel needs to return to port, Clause 8.a) applies

9.0 Protection for fishers in the event of sickness, injury or death in connection with service and the health and social security coverage and benefits (see Notes 9 and 10)

9.1 If you become sick or injured while on a voyage, you will be paid your normal basic wages until you have been repatriated in accordance with the repatriation provisions set out below. ACCF to comment (Workers Compensation reverted to MEPIR?)

9.2 If you require medical care while you are on board this will be provided free of charge, including access to necessary medicines, medical equipment and facilities for diagnosis and treatment and medical information and expertise. Where practicable and appropriate, you will be given leave to visit a qualified medical doctor or dentists in ports of call for the purpose of obtaining necessary treatment. Refer C188 – obligation for captains to call back to shore to get expert medical advice. Health service support e.g. helicopters airlifting crew in need on health; get help from Navy / border patrol – proactive role for search & rescue; need to strengthen. 6215 radio communication from the ship – use when you need medical advise.

9.3 In the event of sickness or incapacity, any costs of your medical care not met by the host country will be met by the fishing vessel owner; you will be provided with medical care, including medical treatment and the supply of necessary medicines and therapeutic devices and, if necessary, board and lodging away from home until your recovery subject to a maximum period of weeks [*insert number*], or until you can be repatriated, whichever is later. In addition, the fishing vessel owner will return your property left on board to you or your next of kin.

9.4 In the event of your death occurring on board or ashore during a voyage, the fishing vessel owner will meet the cost of ~~burial expenses, or cremation where appropriate or required by local legislation for repatriation of the body where appropriate~~, and will return your property left on board to your next of kin.

10.0 Paid Leave (see Note 11)

10.1 You are entitled to ~~take-..... (insert number) weeks/days as paid leave in each year of employment and you will be paid together with your normal per trip wages during such leave in accordance with the relevant legislations and applicable regulations. DOESN'T APPLY IF CONTRACT FOR SERVICE~~. If you are re-engaged within the month, you are deemed to be paid leave entitlements; considered unbroken service.

10.2 If your employment commenced or terminates part way through the holiday year, your entitlement to paid annual leave will be assessed and paid on a pro rata basis. Deductions from final salary due to you on termination of employment will be made in respect of any paid annual leave taken in excess of your entitlement.

10.3 You will be entitled to payment in lieu of paid leave accrued but not taken at the date of termination of employment.

11.0 Repatriation (see Note 12)

11.1 You will be entitled to repatriation, at the expense of the fishing vessel owner, if you are in a foreign port under the following circumstances:-

- when this agreement expires;
- when this agreement is terminated -
 - a) by the fishing vessel owner, for justified reasons;
 - b) by you, for justified reasons;
- in circumstances where you are no longer able to carry out your duties under this agreement or cannot be expected to do so.

Comment: Included in the Immigration Act to check for repatriation 'budgets'; Licensing committee – MEPIR to be a participant?

11.2 The entitlement to repatriation covers transport by (insert means of transport) to (insert place name or country):

NOTE - You may not be entitled to repatriation at the expense of the fishing vessel owner in circumstances where you have been dismissed for serious misconduct or you have abandoned /absconded during your period of employment. In such circumstances, the fishing vessel owner will still be liable to repatriate you but is entitled to recover from any wages due to you, the cost of doing so.

12.0 Maximum duration of service periods after which you are entitled to repatriation

12.1 The maximum period of service following which you will be entitled to repatriation at no cost to you is weeks (insert number of weeks) (See Note 13).

ADDITIONAL PARTICULARS REQUIRED UNDER THE FIJI LEGISLATIONS

Hours of Work (see Note 14)

Your normal hours of work are [Insert normal weekly hours or pattern of work, and any differences in rate of pay for hours worked in excess of this, as applicable].

Vessels ~~with ice-targeting fresh~~ still push to work more than 16 hours (fresh fish on ice max 14 hours); ~~MLC 2006—not more than 14 hours; minimum hours of rest; C188 Long liners – consider declaring hours of work?~~

Grievance and Disciplinary Procedures – whilst each org can determine own procedures, the committee agrees to standard procedures for all

(a) Grievances

If you have a grievance regarding your employment you should follow the fishing vessel owner's grievance procedure and a copy of which will be provided to you when you join the vessel.

(b) Disciplinary Rules and Procedure (enter appropriate reference(s))

The disciplinary rules applicable to you are set out in the Disciplinary procedure/manual/policy. FFIA members to share current policies with MEPIR for a standard policy across all.

If you are dissatisfied with any disciplinary decision taken in relation to you, you should refer to the disciplinary procedure/manual/policy. A fisher /employee can appeal and if still not

satisfied submitted to Mediation.

(c) Pension benefits *(Delete whichever is not applicable) (see Note 15)*

There is FNPF entitlement attached to this employment agreement. Insurance, required for licensing is taken over by ACCF.

WELFARE CLAUSE

~~You have the fundamental right to reasonable access or referral to the full range of available welfare services, including national human rights provisions and protections. Medical Services Pacific (MOH) and private companies for psycho-social counselling. If you are denied reasonable access to these services, you have the right to seek assistance through appropriate channels.~~

ADDITIONAL PROVISIONS INCLUDED BY FISHING VESSEL OWNER

(See Note 16)

CERTIFICATION BY FISHING VESSEL OWNER AND FISHER *(see Note 17)*

By signing this agreement, the undersigned Fisher and the undersigned fishing vesselowner, each confirm that the Fisher has:-

1. been given the opportunity to review and seek advice on their Agreement;
2. received an explanation of their rights and responsibilities under the agreement before signing it, and
3. has entered into the agreement freely;
4. has been offered a translation into his or her own language.
- 4.5.

For any clarifications, please contact the Ministry of Employment, Workplace Relations and Productivity, Level 2, Post Fiji Building on 8925050.

Signature of Fisher

Signature of Fishing vessel owner or Fishing vessel owner's representative

.....

(State position held)

*Signature of Employer or Employer's representative

(State position held)

NOTES

Note 1 - “insert date of birth or age” - Normally the date of birth in full (Day, Month, Year). Fisher’s age at the time the agreement was signed should be used **only** where there is no means of establishing the Fisher’s date of birth. (16 years and above in Fiji – MSAF/LTA; 17 for ~~FMA-PCMS~~ and 18 for MEPIR; ILO 18) – **Committee agrees to keep fishers’ age at 18 years.**

Note 2 - “Name and Address of employer or fishing vessel owner or other party to the fisher’s work agreement”

(1) For employed fishermen

If the Fisher is employed, the name and address of the employer should be inserted at Point (2) of this agreement.

(2) For self-employed share fishes

Insert the name and address of the fishing vessel owner or manager, who takes responsibility for ensuring that the terms and conditions under which the fisher works compliance with the relevant legislations including the ILO Work in Fishing Convention (C188) on board the fishing vessel.

Note 3 – “The Place where Agreement is entered into”: the name of village, town or city or the name and port of registry of the fishing vessel, where the Agreement is signed by the parties to it.

Note 4 – “Place of Work”:

EITHER the name or registered number of the vessel on which the Fisher is to work, where this is known; OR where the Fisher may be employed on more than one vessel, enter “Place of Work may be on any vessel owned, managed or chartered by [insert name of the fishing vessel owner]”.

Note 5 - “Capacity in which Fisher is to be employed/engaged” - The capacity in which the Fisher is to be employed/engaged at the time the agreement is signed by the parties to it. *See also note 18.*

Note 6 – Provisions to be supplied – Arrangements for food and portable water on board. For a self-employed share fisher, this should state whether/how the cost of food and water will be charged as a running cost of the vessel.

Note 7 Payment of fishers

(1) For employed fishers

The amount of wages, 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. When wages will be paid and by what method (cash/bank transfer etc).

(2) For self-employed share fishers

This section must set out how and when the fisher will be remunerated, including how the share of the catch is calculated, and identify any deductions, and how they will be calculated.

(3) Graduates from ~~FMA-PCMS~~ – starting salary? Skills by number of years of experience?

Note 9 – Protection in the event of sickness, injury or death in connection with service

This includes provisions for compensation from the fishing vessel owner in case of occupational injury, sickness or death payable in accordance with the Accident Compensation (ACCF) Act 2018 and its amendment thereof.

Note 10 – Health and Social Security Protection Benefits

This includes payment by the fishing vessel owner of any costs of medical care in respect of any sickness or injury occurring during the term of this agreement and until the Fisher returns to shore..

Whilst working on a Fiji registered vessel, the provision of medical care includes any surgical or medical treatment or such dental or optical treatment which is necessary during the term of the agreement.

In case of wreck or loss of the ship, employed crew members are entitled to wages at the rate payable under their work agreement (excluding any element based on a share of the catch)

Note 11 –“Paid Leave” (employed fishers only) - The period of paid leave per annum is primarily a matter between the fishing vessel owner or employer if different and the Fisher but must be not less than the period of statutory paid leave specified under the relevant regulations; FFIA to revert on this

- (pro rata for periods of less than one year or part time employees)

Where it is more appropriate to do so, the formula to be used for calculating annual leave may be stated.

Note 12 – Repatriation (consider disembarkment?) – Circumstances in which the fisher may no longer be able to carry out their duties may include – clarification from Immigration needed

- shipwreck
- the sale of the vessel or a change in the vessel's registration
- illness or injury or other medical condition, diagnosed by a Doctor as requiring repatriation,
- fishing vessel is proceeding to a [high risk area]

The destination for repatriation should be stated in the agreement. If not stated, the fisher is entitled to be repatriated to one of the following:

- the place where the Fisher entered into their employment agreement;
- their country of residence.

Foreign fishers to be considered separately

Note 14 - Hours of Work (included in agreement for employed fishers only). The hours of work for fishers on Fiji registered vessels must comply with the requirements of the relevant legislations and regulations.

For employed fishers, this section should indicate the normal hours for which they are paid and any provision for overtime and the rate paid for that will depend on the overtime remuneration policy.

Note 15 - Pension benefits (employed fishers only) Details of any employer pension scheme must be recorded, if applicable. In addition, where the employer makes deductions

from the Fisher's wages towards any additional pension benefits (e.g. FNPF Pension) to which a Fisher may be entitled, it is recommended and this is noted.

Note 16 - Non compliant provisions in the agreement - Examples of clauses which would not be acceptable under Fiji law and legislations, include:-

- (a) **requiring that all Fishers have a right and access to belong to a union or forbidding membership of a union** - Under ILO Convention 87 on Freedom of Association, which has been ratified by Fiji, workers are free to form and join appropriate organizations of their own choosing, but equally under the Employment Relations Act ("ERA") 2007 they cannot be required to do so. However, it is not acceptable for fishing vessel owners, employers or anyone else to discriminate against, or take action against those who either choose to join a union or who choose not to join a union.
- (b) **requiring that Fishers join a specified union** - Apart from the previous provision regarding choice on whether or not to join a union, such a provision would also be in conflict with the International Labour Organisation Convention on Freedom of Association. This Convention has been ratified by Fiji and provides that workers shall be free to form and **join organizations of their own choosing**. It is however acceptable to promote membership of a trade union that has signed a collective agreement with the fishing vessel owner albeit without an obligation on the Fisher to join that union.
- (c) **requiring that by signing the agreement Fishers automatically agree to medical information about themselves being passed to the fishing vessel owner or another party acting on behalf of the fishing vessel owner.** - This is not acceptable and may only be done with the specific prior authority of the Fisher on each occasion the fishing vessel owner requests that such information be made available.
- (d) **requiring that a Fisher bear the cost of his repatriation, and the cost of providing his replacement, should he terminate his employment prior to completing the specified period of employment even though he gave the period of notice to terminate his employment that was required by the agreement.** - Under Fiji's legislation and relevant regulations, a Fisher can only be charged the cost of his repatriation if he has breached his obligations under the agreement or has been dismissed on disciplinary grounds. The period of notice specified in this agreement would not constitute breach of the Fisher's obligations even if the Fisher terminated employment before the date envisaged in the agreement.
- (e) **requiring payment, or deduction of wages, for items which the legislation requires to be provided free of charge, for example, accommodation, food and catering, provision of personal protective equipment, medical care** – The ERA 2007 and other applicable regulations to workers including Fishers only permit certain specified deductions to be automatically made from the wages. For employed fishers, these do not include costs incurred in providing accommodation, food and catering, personal protective equipment and medical care to Fishers.
- (f) **the levying of fines on a Fisher by a fishing vessel owner in respect of a breaches of that Fisher's obligations under this agreement or for breaches of discipline.** – The ERA 2007 prohibits fines to be levied on Fishers by fishing vessel owners in respect of disciplinary offences.

This list is illustrative only and should not be taken as listing all provisions that would be considered unacceptable.

Note 17 – “Certification by Fishing vessel owner and Fisher”

The fishers signing this agreement must be given an opportunity to examine and seek advice on the terms and conditions of that agreement before signing it and have any other facilities they need to ensure that they have freely entered into this agreement with sufficient understanding of their rights and responsibilities.

The agreement must be signed by the fisher before the vessel leaves the port.

Note 18 - Changes during the period of validity of the Agreement - If during the validity of the agreement, the capacity in which the Fisher is employed, their wages or the way they are paid is likely to change, the fishing vessel owner may wish to consider whether a new agreement should be issued in such circumstances or alternatively could include a provision in the agreement indicating how any changes to capacity will be dealt with e.g. by means of a letter. Higher duty allowance e.g. bosun sick and crew member working in his place; Note: Variation – in case this happens, we invoke;

Annex 7

► Labour Standards on Fishing Vessels Brief

Talking to Ministries of Fisheries in Pacific Island countries about decent work for fishers

The Pacific Island countries (PICs) fishing sector is essential to worldwide food security and employment, and integral to the economic, social and cultural life for the 12 million people living in the region. A large number of Pacific and migrant fishers work in coastal and offshore fishing in the Western and Central Pacific Ocean (WCPO). Whilst the long-term conservation and sustainable management of fisheries has long been a focus in the region, increasingly the social dimension of fishing, particularly related to poor working conditions and labour rights violations, is being recognised. The fisheries sector in general, and the PIC fishing sector in particular, is increasingly uncovering situations of poor working and living conditions, abuse, exploitation, debt bondage, forced labour and human trafficking of fishers working on fishing vessels in the WCPO.

In 2021, government revenues from fishing vessel license and access fees alone collected by Pacific Islands Forum Fisheries Agency (FFA) member governments¹ is estimated to be \$480 million,² with a large proportion of these access fees being paid to the Parties to the Nauru Agreement (PNA)³ who control the world's largest sustainable tuna purse seine fishery, valued at \$US6 billion annually.⁴ Fisheries exports also generate substantial profit for PICs, with US\$915 million in fishery exports to Thailand, the US, EU and Japan in 2021, and the total amount of fishery exports to the four countries increasing approximately 45 per cent between 2015–2021.⁵

1 FFA Members: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu.

2 FFA Fishery Report Card 2022 <https://www.ffa.int/wp-content/uploads/2023/11/Tuna-Fishery-Report-Card-2022.pdf> Accessed: 10 June 2024.

3 PNA Members are: the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tuvalu, and Tokelau.

4 Pacific tuna fishery on track to return \$US1 billion <https://www.rnz.co.nz/international/pacific-news/382274/pacific-tuna-fishery-on-track-to-return-us1-billion> Accessed: 29 May 2024.

5 FFA Fishery Report Card 2022 <https://www.ffa.int/wp-content/uploads/2023/11/Tuna-Fishery-Report-Card-2022.pdf> Accessed: 10 June 2024.

Who are fishers working in the Pacific?

Under the International Labour Organization's (ILO) Work in Fishing Convention, 2007 (No. 188), a fisher is every person, male or female, employed or engaged in any capacity in commercial fishing operations on board any fishing vessel. This excludes shore-based people carrying out work on fishing vessels or engaging in post-harvesting activities such as shore-based processing or marketing activities, subsistence fishers, fisheries observers, pilots, naval personnel, government officials, aquaculture and aquafarming.

Information is not widely available on the composition of offshore fishing vessel crews in the WCPO, but it is clear that there is a mix of foreign and local fishers. Many fishing vessels in the Pacific engage vessel crew from low wage States, independent of the vessel flag State. Information available indicates that large numbers of crew on fishing vessels in the WCPO originate from countries in South East Asia, including Indonesia, the Philippines and Viet Nam. These crews are often recruited through private recruitment agencies in their home countries with recruitment processes coordinated by vessel agents, often based in the Pacific.

There are also examples of some predominantly Pacific Islander crew, like in Fiji where the domestic industry claims Fijian representation of just over half of the number of vessel crew on locally flagged offshore vessels, and in the Solomon Islands, where National Fisheries Developments Limited (NFD) operates a fleet of vessels with only a very small number of crew recruited from outside the Solomon Islands.

Why do fishers require protection?

Fishing can be a challenging and hazardous occupation, with capture fisheries having among the highest incidence of occupational injuries and fatalities. Offshore fishers both work and live on board vessels and are often at sea for extended periods of time and in relatively confined spaces. In the event of an accident, illness or problems on board, fishers may be far from help in terms of distance or time.

Fishers' work includes a number of conditions specific to the sector that increase fishers vulnerability to labour abuses, including: the isolated nature of their workplaces, the frequently long and unpredictable work hours, exposure to dangerous weather conditions, the fact that fishers are often paid based on a share of the catch rather than a set or minimum wage, and the precarious legal status of migrant fishers which can be abused by vessel owners or skippers. It is not uncommon for fishers to be employed by third parties rather than vessel owners, and many fishers do not have written contracts which makes it difficult for them to understand and pursue their rights.

In the most severe cases, fishers can face; deception and coercion, unpaid wages, unsafe work conditions, inadequate rest, inhumane accommodation, confiscation of identity documents, refusal of repatriation, inadequate provision of medical care, sexual, psychological and physical abuse, debt bondage, forced labour, child labour, human trafficking and death.

Migrant fishers are particularly vulnerable as they can be recruited in their home country to work on a foreign-flagged vessel, that is boarded in a different country, and that will fish in another country's waters. Migrant fishers often speak a different language to their colleagues, the skipper and fishing vessel owners, and the only contact they may have to land during the duration of their work placement is when vessels dock in port States.

Whilst the primary responsibility for vessels' living and working conditions rests with flag States, PICs as port and coastal States are in a unique position to support and protect fishers working on offshore fishing vessels. This could be enacted through cooperation between national labour and fisheries agencies in inspection of foreign-flagged fishing vessels in ports whenever evidence is obtained or a complaint is received that vessels do not conform to requirements, or inspection of vessel documentation when granting licenses. PICs as flag States can also conduct regular inspections of vessels through cooperation between national labour and fisheries agencies. PICs, with the right resources and potential cooperation with flag State actors, could provide places where migrant fishers can communicate safely with their families in ports, provide complaints mechanisms to migrant fishers in the event that they encounter issues, and support fishers to contact consular support to repatriate home in the event that they are stranded.

Decent work, forced labour, debt bondage, and human trafficking

Decent work - involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for all, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men⁶.

Forced labour - is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the person has not offered themselves voluntarily" in the ILO Forced Labour Convention, 1930 (No. 29). Fishers are vulnerable to forced labour as they can be promised a certain type of job, and when they arrive on vessels realise they have been deceived into jobs where they are paid little or nothing, and cannot leave because the vessel is at sea, they have been manipulated into debt, or had their identity documents confiscated. Poverty, illiteracy, discrimination and migration are some of the factors that make workers more vulnerable to forced labour.

Debt bondage - fishers are vulnerable to situations of debt bondage if they have to pay high recruitment fees or related costs which they plan to pay back with their wage. If fishers do not obtain the wage agreed in their contract, high recruitment fees and related costs can engender workers with a debt which makes them vulnerable to exploitation, abuse, harassment, debt bondage, forced labour, and human trafficking. Under the ILO Forced Labour Convention, 1930 (No. 29), debts could constitute a financial penalty or "menace of penalty", which is used to coerce workers to stay in situations of abuse or exploitation as they would experience a significant financial penalty if they lost their source of income.

Human trafficking - is defined as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000. Fishers are particularly vulnerable to human trafficking as they can be moved from one vessel to another without docking and without oversight.

⁶ ILO "Decent work" <https://www.ilo.org/topics/decent-work#:~:text=It%20involves%20opportunities%20for%20work%20that%20is%20productive,opportunity%20and%20treatment%20for%20all%20women%20and%20men>. Accessed 26 June 2024.

How are ensuring decent work standards for fishers relevant to the prevention of debt bondage, forced labour and human trafficking?

National labour standards implemented by PICs are not usually applied to those working on fishing vessels and may not be appropriate or effective in ensuring that working conditions on fishing vessels are safe and decent. Fisheries management measures implemented by PICs have historically not addressed working conditions on fishing vessels, either for national or foreign crew. This has recently changed with the Pacific Islands Forum Fisheries Agency (FFA) adoption of the Harmonized Minimum Terms and Conditions (MTCs) for Foreign Fishing Vessel Access for Crew Employment Conditions, but challenges remain in the effective implementation and enforcement of these MTCs. This creates a gap in the legal, institutional and operational frameworks that should be in place to protect the rights of fishers working on fishing vessels⁷. The result of this is a significant decent work deficit which can make fishers vulnerable to abuse, exploitation, coercion, debt bondage, forced labour and human trafficking.

The prevention approach or 'labour approach' to these offences includes using the framework of labour rights available to all workers including migrant workers, to tackle unacceptable forms of work, through labour inspection, administration and sanctions. It is important to understand that these offences do not happen in a vacuum but always occur alongside other crimes, labour abuse and exploitation.

Figure 1: Between decent work and forced labour: a continuum of exploitation



How can national fisheries agencies support the protection of fishers' rights in the WCPO?

Communication, collaboration, co-development and implementation with Government stakeholders including Ministries of Labour and Ministries of Justice, employers' and workers' organisations, and other relevant stakeholders

National labour agencies responsibilities in relation to fishes include regulating work conditions, promoting decent work, and implementing national labour standards through the development of legislation, enforcement of workplace inspections and sanctions. With this expertise, national labour agencies should be central to the co-design, development and implementation of the FFA MTCs for Foreign Fishing Vessel Access particularly Crew Employment Conditions, Resolution on Labour Standards for Crew on Fishing Vessels (Resolution 2018-01), the Western and Central Pacific Fisheries Commission (WCPFC) CMM (when adopted) and any other relevant regional or international obligations. Port state measures (PSM) implemented by national fisheries agencies are an effective entry point for Ministries of Labour to implement decent work and labour standard inspection of fishing vessels to reduce abusive or exploitative working conditions.

In this respect, cooperation with Ministries of Justice, police, law enforcement and anti-trafficking stakeholders will also be central to ensuring the prevention of debt bondage, forced labour and human trafficking of fishers, as it is important to ensure good integration of labour and criminal justice to capture the continuum of exploitation, and ensure that sanctions imposed on unscrupulous actors deter further, and potentially more serious, violations of fishers' rights.

A comprehensive legislative and implementation framework to protect Pacific and migrant fishers' rights would also involve participation of: Ministries of Village/Provincial Affairs for pre-decision and information dissemination; Ministries of Social Services for social and child protection; Ministries of Immigration and Ministries of Foreign Affairs for migrant workers; Ministries of Health for relevant standards of health check and certification; and potentially Ministries of Economic Affairs for budget allocation; and Ministries of Human Resources for staff mobilisation, amongst others. Involved in all collaboration and co-development should be employers' and workers' organisations, and Pacific and migrant fishers.

The International Labour Organization (ILO) is a UN agency specializing in promoting decent work for all women and men, and has a regional office in Suva covering fifteen PICs. ILO's mandates include the development of labour standards including in the fishing industry, (the Work in Fishing Convention, 2007 (No.188) and the Recommendation on Work in Fishing (No.199)), providing assistance to States to implement labour standards, and research, training and educational programs. ILO development cooperation projects can support Governments in implementing decent work for fishers.

What is the ILO Work in Fishing Convention, 2007 (No. 188) and what is its objective?

Convention No. 188 is an international labour standard, with the objective to ensure that fishers worldwide enjoy decent and safe working and living conditions through implementation of minimum standards for work on board fishing vessels, including; conditions of service, accommodation and food, occupational safety and health protection, medical care and social security. Recommendation No.199 was adopted with Convention No. 188, and provides further guidance on implementation.

Myths and facts about Convention No. 188



International
Labour
Organization

Myth 1

C188 is not needed.
We already have the Maritime Labour
Convention 2006.
Fishers are the same as seafarers!



International
Labour
Organization

Fact 1

Fishers ≠ Seafarers

MLC 2006 explicitly excludes fishers and
fishing vessels. C188 address **the fish industry's
unique characteristics**, as well as
the hazards of working in fishing.



International
Labour
Organization

Myth 2

C188 treats all the vessels the same.
It is not fair!



International
Labour
Organization

Fact 2

**C188 applies to all commercial fishing vessels
regardless of their size or where they fish.**

But size matters!

Stricter requirements for



Vessels longer than 24m

 OR



Vessels staying at sea
for more than 3 days

C188 does not apply to subsistence fishing



International
Labour
Organization

Myth 3

C188 means vessel owners
have to do
expensive renovations!



International
Labour
Organization



Fact 3

**C188 does not require an expensive
upgrade of existing vessels.**

C188's fishing vessel accommodation requirements
in its Annex 3 **ONLY** apply to **NEW** vessels
or vessel undergoing major renovations.

For vessels longer than 24 meters, C188 has more
stringent standards. E.g. minimum headroom and
floor area per person for sleeping.

 International Labour Organization

Myth 4

We have always paid fishers based on share of the catch.
C188 is trying to change this!

▶▶▶▶▶

 International Labour Organization

Fact 4

C188 still allows profit-share system.

Rights of fishers = Rights of fishers based on profit-share system

 Fishers paid by profit share have the same rights as fishers paid by any other system.

 International Labour Organization

Myth 5

Fishers don't need work agreements.
They are not workers!

▶▶▶▶▶

 International Labour Organization

Fact 5

All fishers on commercial fishing vessels need written fisher's work agreement (FWA).
It does not matter how wages are paid or calculated.
The FWA must:

-  Include details on how wages or portions of profit share will be calculated
-  Be written in a language the fisher can understand
-  Have details required in Annex 2 of C188.

 International Labour Organization

Myth 6

C188 wants fishers to only work 8 hours a day.
But fishers are not factory workers!

▶▶▶▶▶

 International Labour Organization

Fact 6

If a fishing vessel is at sea for more than 3 days, then fishers should rest...

 **≥10 hours** in 24 hours **≥77 hours** in 7 day period

These minimum hours of rest are for fisher's safety and health. Governments can also set **substantially equivalent alternative requirements** after consultations.

 International Labour Organization Myth 7 C188 will make our fishing industry less competitive! 	 International Labour Organization Fact 7 C188 is a sword and a shield.  The principle of 'no more favourable treatment' means that a ratifying State can apply C188 standards to all fishing vessels visiting its ports and subject to inspection by its port State control officers, even if the flag State has not ratified C188. C188 not only protects fishers, but the principle also protects fishing vessels of a ratifying State from unfair competition.
 International Labour Organization Myth 8 C188 is too rigid and difficult to implement. Our fishing industry is special! 	 International Labour Organization Fact 8 C188 has 3 built-in flexibility features  Progressive implementation of C188  Possibility to exclude limited categories of fishing vessels and fishers Set substantially equivalent alternative requirements for minimum rest hours and accommodation.

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Annex 8

► Labour Standards on Fishing Vessel Brief

December 2024

Labour Standards on Fishing Vessels in the Pacific Private Sector Initiatives in the Pacific

Introduction Illegal, unreported and unregulated (IUU) fishing has been long understood and addressed, primarily as an environmental and fisheries management issue. Increasingly however, the social dimension of IUU fishing, particularly related to poor working conditions and labour rights violations, has been recognized. The working conditions on fishing vessels are unique and are very different to those experienced by workers in other sectors. It is considered one of the most hazardous types of work with serious injury and death common. Working on fishing vessels is characterized by isolation, long hours of hard work, high risk, poor living conditions, poor pay and extended time at sea, away from community and family. The result is a significant “decent work deficit” for those working on fishing vessels. Persistent labour rights violations have been reported by crew working across the fishing industry suggesting that these conditions are the standard on many vessels.¹ Many cases of forced labour and slavery have been reported in the fishing industry with some of the worst human rights violations identified. While there is currently limited information available to quantify and qualify the scale and scope of poor working conditions and labour rights violations on fishing vessels, recent research and specific case studies provide strong indications that there are significant issues across the industry as a whole.

Fishing vessels have historically been excluded from broader international labour and maritime conventions due to the diverse and specific needs of the fishing industry. National labour standards are rarely applied to those working on fishing vessels and may not be appropriate or effective in ensuring that working conditions on fishing vessels are safe, decent and worthwhile. Fisheries management measures have historically not addressed working conditions on fishing vessels, either for national or foreign crew. At the international level, there have been some advances with the development

of the ILO Work in Fishing Convention (C188) and the Cape Town Agreement, and both instruments seek to strengthen safety and working conditions on fishing vessels. Private Sector Initiatives

Private standards and related certification schemes have become a significant feature of international fish trade and marketing over the last decade. They emerged partly as a response to perceptions that public regulatory frameworks were not achieving the desired outcomes, such as sustainability and responsible fisheries management. Private regulation includes the voluntary programmes used by companies to “regulate” labour and environmental issues in their global supply chains (Kuruvilla et al 2021). The most common form of private regulation has three elements: (1) setting of standards regarding labour practices in global supply chains through a corporate Code of Conduct (CoC) that is generally based on the Conventions of the ILO; (2) “auditing” or “social auditing” that involves monitoring whether supplier factories or firms comply with the CoC; and (3) incentives for suppliers to improve compliance by linking future sourcing decisions to their compliance records (Kuruvilla et al 2021).

The effects, and the limits on the ability for private sector regulation to improve labour compliance are well known (Delautre et al 2021). Several studies have found that audits and ethical certification schemes are ineffective mechanisms to detect, address, and correct labour exploitation and forced labour in supply chains. According to Kuruvilla et al (2021, c.f. Kuruvilla 2021), the accumulated evidence does not suggest sustained improvement in labour rights and working conditions, despite 25 years of private regulation. Other studies find that certification schemes have little impact to ensure long-term change in the behavior of suppliers, and that they rarely interact with public governance which has a

¹ Non-payment or underpayment of wages; use of bonded labour, deception and coercion; inability to leave vessels; confiscation of identity documents; inadequate access to food and clean drinking water; poor sanitation; no provision for repatriation; inadequate provision of medical care; inadequate accommodation; inadequate occupational health & safety standards; excessive hours of work and inadequate rest periods; and sexual and physical abuse.

better track record (ILO 2020). Furthermore, while companies have leverage over upper-tier suppliers, this is not where the risk of decent work deficits is most significant. Rather, this is more likely to occur in the lower tiers of supply chains, and in the subcontracted offshoots, operating in the informal economy.

In recent years there has been a proliferation of private certification schemes in the fishing sector, largely in response to significant public pressure in the wake of high-profile cases of modern slavery reported in the Thai fishing fleet. What is specific to the seafood sector, however, is that the industry has long been subject to a myriad of environmental certification schemes, as well as inspection and governance regimes designed to monitor and prevent IUU fishing. This has led to complicating circumstances where market consumers find it hard to distinguish between environmental and social sustainability claims. Moreover, several environmental sustainability certification schemes (such as MSC) have been pressured to retrofit pre-existing schemes to include human rights and labour standards monitoring, and in doing so, adopt auditing and compliance approaches that are designed for monitoring fish stocks rather than labour practices.

Civil society and academic experts point out how the recent proliferation of certification schemes in the seafood industry are primarily designed to lower business risk for the industry, rather than risks faced by workers. These views have led civil society actors to publicly condemn the use of certification schemes in the seafood sector. In December 2022, International Transport Workers Federation (ITF) fishers' unions adopted a new shared global position rejecting seafood supply chain voluntary certifications and standards at their five yearly ITF Fisheries Section Conference in Amsterdam. This followed other recent high-profile public critiques of such schemes by leading the leading civil society coalition in the seafood sector, the Seafood Working Group, as well as others. It is clear that private regulation alone is not the best way of improving labour conditions in global supply chains; rather, better methods include the enforcement by countries of their own labour laws, and/or stronger transnational union activity (Kuruville et al 2021).

Nine certification schemes, encompassing 15 regulatory frameworks have been reviewed in detail (Appendix I). These schemes were selected on the basis of their relevance and applicability to fishing labour standards in the Pacific. Relevant standards are comprised chiefly by ILO C-188, but with awareness also of other relevant UDHR human rights principles as well as fishery management standards (PSMA, STCW-F, Cape Town Agreement). There are myriad of reasons offered accounting for why private regulatory schemes

are said to cause little positive impact. Commonly raised shortcomings of private regulatory schemes in the seafood sector include:

- No meaningful role for workers and/or their representatives: Labour unions or worker organizations are rarely included in the design, implementation, monitoring and enforcement of the certification. There is not a meaningful mechanism for discussing labour standards with fishers and their representatives and responding to worker concerns and needs.
- Lack of transparency: There is no requirement for audit findings to be disclosed to workers or the public in order to support accountability.
- No requirement that vessels come to port - Vessels are not required to port at specified intervals for labour inspections. Many of the most high-risk vessels are those that remain at sea for long periods of time and fish in the high seas.
- No requirement to undertake remediation to workers - Few certification schemes compel members to take corrective actions and to ensure workers are remediated if labour abuses are found, contrary to international standards. Remediation mechanisms are never binding.
- No chain of custody mechanism: Without a chain of custody mechanism, products from certified vessels and products from non-certified entities cannot be distinguished. Often processed together after landing, it is not possible to ensure the fish purchased by certified suppliers comes from certified vessels and is thus compliant with standards across the supply chain.
- Selective application of international standards: By referring to international standards such C188 and UDHR, certification schemes argue they comply with international best practice in the field. In practice, they usually pick and choose elements of international standards, and adapt them at industry's convenience. Selective application of international standards can undermine the interpretation of established international legal norms, by replacing them with industry practices for how they will be interpreted. C188 is designed to be the minimum standard for fishery labour, "a starting point, not an end point". Most commonly, C188 standards requiring minimum hours of rest or maximum times at sea are left out of certification schemes, because they directly impact industries' bottom line.

- Default to national legal frameworks that may be weaker than international standards: National laws of flag states will often be lower than C188 standards and using them as an alternative standard undermines certification standards. Common points include recruitment fees, restrictions on freedom of association, and the use of “two-tiered” employment schemes by nations with distant water fleets. In addition, vessels can still select to be flagged to countries with the weakest regulatory regimes.
- Conflict of interest of industry representatives and governance: Schemes are generally overseen by representatives of seafood brands and retailers, fishing companies, fishing associations and other industry actors. Often these large companies have been implicated in allegations of forced labour or IUU directly or indirectly in their supply chain. CSO representatives, national government representatives and unions, if included in governance of schemes, are usually given little meaningful input.
- Lack of credible grievance mechanisms - Grievance mechanisms need to be trusted by fishers, safe from retaliation and confidential. They also need to be easily accessible online, by phone and in port (need to be close to port, not a significant walk away), and in various relevant languages. Fishers often do not trust grievance channels set up and managed by companies themselves.
- Conditions are not binding and have few meaningful consequences for non-compliance - Not all schemes have a zero-tolerance policy on labour abuse. Many offer perpetrators significant time and opportunity to address issues before a vessel’s certified status is jeopardized. If a certification scheme does detect labour abuse, it may suspend or cancel the vessels certification under the scheme, but it is unable to impose any meaningful consequence beyond this.
- Taking a gradual, a low-bar approach - There is resistance among industry actors to take any action that may impact existing business models and practices of seafood companies. This has led to reluctance to full support of established standards and regulations such as ILO C188, which could limit working hours and time at sea and impact financial bottom lines. Instead, a step-by-step approach is taken to garner participation from industry, but all too often the bar is never meaningfully lifted, and the low bar becomes the established standard.
- Failure to recognize power imbalance between employers and fishers: Many standards defer to vessel owners and fishers to resolve complaints themselves, however, there is

little incentive for companies to provide favorable outcomes to fishers. Without a fair mediation or negotiation process, workers don’t raise issues and when they do accountability can be avoided. Within these processes, too much power is retained by potential and actual abusers.

- Uneven financial burden - Widespread cases of labour exploitation of fishers has been driven by underlying market forces of retailers and buyers driving down the price of fish as a commodity stock, amid dwindling stocks. Retailers and lead firms are not prepared to share the cost of regulatory mechanisms, leaving the cost of audits to vessel owners.

A specific issue repeatedly raised is that within certification schemes, the audit mechanism regularly fails to identify cases of labour abuse.

Commonly raised shortcomings of private audits include:

- Lack of ongoing worker inclusion in audits: Certifications rarely require auditors to collaborate with unions or workers’ representatives to ensure that information collected reflects the reality of working conditions at sea and can be provided by workers without fear of retaliation. Audit Mechanisms regularly fail to identify labour abuse on fishing vessels: Third-party audits are used to assess labour conditions on fishing vessels, but the schemes have rarely picked up labour abuses. In other industries, such audits have proven to be ineffective in identifying labour exploitation across supply chains. Workers commonly don’t trust auditors and do not report conditions to them openly and freely. If labour rights abuses are identified, there is a lack of any link to national and regional compliance and enforcement mechanisms.
- Self-assessment and limited requirement for audits: Audits are often infrequent, and sometimes not even required in favor of self-assessment and risk-assessment tools. For example, under MSC, an operator is exempt from a labour audit if the country they are operating in is deemed “low risk”. Audits rarely follow a vessel or worker over time to identify cases, and just take a superficial assessment and their periodic nature means that audits don’t give a clear picture of ongoing or systemic issues.
- Weak audit methodology: Forced labour is difficult to identify - in many cases workers themselves will not be aware that their treatment constitutes forced labour. Forced labour is often made up of several labour rights violations – such as lack of a contract, withholding of wages, or retention of identity documents, and coercive debts arrangements. Most workers in situations of forced

labour are gradually coerced through a range of small abuses that are widespread. Audits rarely delve deep enough into a workers recruitment journey to understand their true vulnerability, and certification schemes rarely detail specific methods and indicators for detecting these subtle arrangements.

- Conflict of interest of auditors: The entity seeking certification, which could be a central perpetrator of labour abuse, selects, pays and oversees the certification body that conducts the audit. That entity also has the ability to determine if corrective actions need to be taken. the entity seeking certification, which is entity often most responsible for abuses, selects and pays the auditor.

The Role for Private Regulation Schemes

It is clear that private regulation is not an solution to the myriad labour rights violations that occur in global supply chains. It is clear that private regulation alone is not the best way of improving labour conditions in global supply chains. It is equally clear that there is a need to improve national regulation of working conditions on fishing vessels and improve national compliance and enforcement of national labour laws. There is also a need to strengthen transnational union activity (Kuruvilla et al 2021). It is, however, the failure of state and trade union regulation that has given rise to private regulation in the first place. Synergies thus have to be found where the aims of private certification schemes and labour inspection coincide.

Most recent quantitative research shows that strong public regulations and an empowered civil society are crucial for effective private compliance initiatives (Delautre et al 2021).

A key question, then, is how to identify complementarities or synergies between different forms of governance that may lead to greater compliance. Ideally, better regulatory approaches include national governments in supplier countries enforcing their labour laws, encouraging countries to implement their commitments as members of the ILO, and harmonizing labour regulation in regional economic governance arrangements and increasing freedom of association and collective bargaining rights in all countries (Kuruvilla et al 2021). However, the reality is that progress on nearly all of these tracks is limited, and private regulation is one “lever” that could be improved.

In the context of the Pacific, the current environment, the most critical question seems to be if private certification schemes can be used to compliment the implementation of the Pacific Islands Forum Fisheries Agency (FFAs) *Minimum Terms and Conditions* and the WPCFC Resolution, rather than crowd-out the central role that must be played by government authorities and port inspectorates in identifying and monitoring labour violations. Can private certification schemes may benefit from drawing upon empowered civil society and push for stronger public regulations and there may be a benefit in such schemes exploring these possibilities to strengthen their impact. *Assessing Private Regulation Schemes*

The nine certification schemes that were evaluated used criteria and insights raised by two comparative studies of seafood certification standards: (i) Decker-Sparks et al, and (ii) Human Rights at Sea. These studies look both at how well the provisions of the certification scheme complies with ILO C188 standards, and also how effective the implementation of that scheme is in practice with reference to key principles for effective monitoring and enforcement.

► Findings

1.1 Key Finding: There is significant debate among stakeholders whether private regulatory schemes will support or undermine international labour standards

- Industry representatives were of the view that private certification schemes could be “part of the solution”. They asserted that there is a clear awareness among industry leaders that appropriate labour standards must be demonstrated to the market, pointing to significant financial investment in developing certification schemes and an appetite amongst boardrooms and retailers to address perceptions of industry-wide labour issues. As such, certification schemes represent a tool for industry to push for higher labour standards to respond to market pressures, thereby leading government regulators who are perceived as lagging behind in both will and capacity.
- There is a risk that private regulatory schemes come to weaken international standards through partial application and business-favorable interpretation. Certification schemes often claim to be based on ILO and UDHR standards, but in fact apply the standards only partially or interpret the provisions weakly to protect existing business practices e.g organizing and collective bargaining for workers. They rarely enhance or protect workers efforts at organizing and or to engage in collective bargaining. This can establish industry standards and practices that interpret international standards weakly, or a prominent scheme can actually crowd out and replace the international standard as the recognized marker of compliance. The schemes are designed to manage negative publicity, as well as for supporting business-to-business communications - which in the case of supply chains in the Pacific, means for lead firms (such as FCF and Tri Marine) to minimize their exposure to vessel operators and place responsibility on vessel operators, despite the huge influence these trading firms have across the global seafood supply chain.
- For small scale operators, the significant cost of certification schemes is borne by themselves alone. They must pay for auditors and for membership of such schemes. Downstream actors, especially the very retailers that often demand demonstrations of labour compliance are not willing to bear extra costs or to increase costs to consumers. Similarly, supply chain lead firms (such as FCF or Trimarine in the Pacific) place significant cost pressures on suppliers, which usually becomes the significant barrier preventing vessel operators from improving labour conditions - especially around key items such as resting hours and time at sea. At the ground-level, a significant number of vessel operators are reportedly interested in improving their day-to-day standards on their vessels, however these goals can be undermined by cost pressures from downstream actors. Regulation by government actors' places less financial burden on those actors who most need to invest in better systems and standards.

1.2 Key Finding: There is little empirical evidence to demonstrate positive impact of private regulatory schemes

- Civil society and academic experts were unanimous in rejecting the efficacy of private regulatory schemes. They pointed to extensive empirical research documenting the lack of impact of labour certification schemes across various supply chains, and detailed various reasons for those failures as set out in this report. With specific reference to the fishing industry, they pointed to the demonstrably poor audit capacity existing for detecting labour abuse and the difficulty of implementing such schemes effectively in an industry that is inherently challenging to regulate. It was suggested that certification schemes are designed only to benefit major companies by lowering their business risk but doing little to lower the safety risks faced by fishers.
- There is significant academic literature outlining the failure of certification schemes to impact on labour standards. In summary, key reasons include: (i) lack of meaningful worker representation in governance and monitoring; (ii) doubt about the independence and capacity of auditors to detect labour abuses; (iii) lack of transparency of certification schemes; (iv) lack of binding mechanisms and meaningful

1.2 Key Finding: There is little empirical evidence to demonstrate positive impact of private regulatory schemes

consequences for labour violations; (v) low trust of workers to engage in grievance and reporting mechanisms, if they are even provided; (vi) such schemes rarely detect labour abuse cases, while cases continue to be reported to CSOs.

- To demonstrate impact, industry representatives point to the case of Thailand - In the case of Thailand, industry efforts to improve labour standards (such as through the STF) ran ahead of

government responses, as industry faced potential business risk when threatened with losing access to EU markets. The most egregious labour abuses have certainly become less prevalent in recent years in Thailand, yet even now, enforcement of labour standards by Thai authorities remain weak in support of migrant workers, and lower-grade labour violations remain commonplace.

1.3 Key Finding: All fishery labour certification standards have gaps with respect to ILO C188 standards, to varying degree

- Many certification schemes refer to international standards, but do not adopt them wholesale and all schemes have shortcomings when compared to ILO C188. According to some commentary, this is due to selectivity in adopting compliance measures, agreeing to meet easy regulations (e.g., child labour) while avoiding provisions that will negatively impact profits, such as working hours, and time at sea. Another view is that these gaps

are often quite minor and come about necessarily in the process of operationalizing standards to suit local conditions, practical considerations, and the feedback of local industry members and stakeholders. Nonetheless, several schemes do adopt standards that are substantial, and still meet many ILO C188 conditions that may not otherwise even be contemplated by vessel and crew.

1.4 Key Finding: While some schemes have higher standards than others, the overall regulatory and monitoring environment will be of more importance than the specific provisions

- The implementation of binding mechanisms provides the opportunity to set up effective monitoring and enforcement infrastructure and build capacity in PIC authorities - The FFA Minimum Terms and Conditions¹ and the possible WPCFC Conservation Management Measure² are significant regulations for their binding nature. Despite their potentially less onerous standards than private certification measures, these measures provide an opportunity to set effective and enforceable mechanisms for labour-sensitive inspection and case reporting channels at the national level.

- The ability of government authorities to build collective inspection capacity and to respond to effective reporting channels are essential to improve labour standards in the Pacific region. For better labour standards, it is a necessary condition that independent and skilled vessel inspections occur by national authorised officers, which is unlikely to be a role played by private auditors. Similarly, for identifying more cases and reducing harm, safe and accessible reporting channels must be established, but it is unlikely that the reporting and grievance and remediation mechanisms provided by private regulatory schemes can fulfil this role as they are not accessible and trusted by workers.

¹ https://www.ffa.int/system/files/HMTC_as_revised_by_FFC110_May_2019_-_FINAL.pdf

² https://www.wcpfc.int/labour_standards

1.6 Key Finding: The riskiest operators and vulnerable workers are the least likely to be supported by private certification schemes

- The most high-risk vessels in the Pacific are the Distant Water Fishing (DWF) vessels that generally hire migrant workers. Migrant workers from South East Asia are commonly subject to informal hiring practices and coercive debt-based hiring contracts, and certification schemes and audits are not thorough in delving into recruitment pathways and arrangements. Similarly, DWF vessels spend the longest time at sea and are the hardest to audit and monitor. Certification schemes are not designed to respond to the real conditions that usually underlie forced labour and trafficking.
- Participation in certification schemes will do little to incentivize industry to hire Pacific Islanders
 - It is a stated aim of the FFA that PICs wish to increase employment opportunities for locals in the fishing industry. While smaller, locally based vessel operators may already hire Pacific Islander

crew, the majority of Pacific Island fishing is done by foreign fleets (some locally flagged however).. While migrant workers remain cheaper and structurally disempowered, there is little incentive for international operators to hire Pacific Islander crew. Onerous recruitment regulation has the potential to shift the cost-benefit equation in favor of hiring local crew, by providing trusted and easily accessible recruitment pathways. However, certification schemes do not place onerous requirements on vessel operators to demonstrate extensive due diligence in the recruitment process, and it remains cheaper to source migrant workers despite heightened risk of forced labour and human trafficking caused by the recruitment process. The binding nature of the FFA Minimum Terms and Conditions on the other hand have more scope to encourage more transparent labour hiring, should that be a condition included in future.

► Appendix I: Mapping of Industry Initiatives

	Initiative	HRAS Score ¹	Type	Labour Conditions	Fair recruitment	Compliance / Verification	Worker Consultation	Supply chain / CoC	Grievance mechanism	Remediation
1	Marine Stewardship Council (MSC) ☐ MSC Fisheries Standard ☐ MSC Chain of Custody (CoC) Standard, 2019	0 / 16 3 / 16	Multi Stakeholder	 Very limited		 ☐ Self-reporting ☐ Provide evidence of audit, if applicable ☐ In-port requirement.		 Yes, under MSC CoC		
2	Aquaculture Stewardship Council (ASC) ☐ ASC Aquaculture Certification, v2.2, 2019 ☐ ASC Chain of Custody (CoC) Module, V1, 2022 ☐ ASC Farm Standards ☐ ASC Feed Standard ☐ ASC Social Standards	14 / 16 12 / 16 13 / 16 14 / 14 n/a	Multi Stakeholder			 ☐ 3P audit.				 Requirement is vague
3	Fairness, Integrity, Safety, and Health (FISH) ☐ FISH Standard for Crew, 2021	7 / 16	Industry, w some NGO	 Claims ILO C188, but some exceptions. Defers to flag state laws.		 ☐ 3P audit. ☐ In-port requirement. ☐ No process to avoid COI	 No specific role outlined		 Yes, but lacks time requirement for response.	 Limited to Forced Labour and Child Labour
4	Fairtrade USA ☐ Fair Trade Capture Fisheries Standard, 2022	9 / 16	Multi Stakeholder			 ☐ Binding agreement ☐ Fairtrade oversees 3P audit. ☐ In-port requirement. ☐ No process to avoid COI				

¹ Rating score out of 16, given by Human Rights at Sea (2023) https://www.humanrightsatsea.org/sites/default/files/media-files/2023-02/Does_it_do_What_it_Says_on_the_Tin_Fisheries_and_Aquaculture_Certification_Standards_and_Ratings_Ecosystem_Review.pdf

	Initiative	HRAS Score ¹	Type	Labour Conditions	Fair recruitment	Compliance / Verification	Worker Consultation	Supply chain / CoC	Grievance mechanism	Remediation
5	Global Seafood Assurances (GSA) ☐ Responsible Fishing Vessel Standard (RFVS), 2020 ☐ Seafood Processing Plant Standard (Issue 5.0)	15/16 11/16	Industry-led, Multi Stakeholder	✓	✓	☐ 3P audit & certification. ☐ In-port requirement. ☐ No process to avoid COI	— Limited.	— Limited.	✓ Policy required, but not specific provisions	✓ Policy required, but not specific provisions
6	Seafish ☐ Responsible Fishing Ports Scheme Standard (RFPS), 2020	12/16	Multi Stakeholder	— Defers to UK laws.	✗	☐ 3P audit & certification. ☐ In-port requirement. ☐ No process to avoid COI	✗	✓	✓	✗
7	Seafood Task Force (STF) ☐ STF Vessel Auditable Standards, 2018	n/a	Industry-led, Multi Stakeholder	—	— Partial. Allows for some recruitment fees. Includes specific recruitment audit.	☐ Self-assessment ☐ Audit by STF members ☐ No process to avoid COI	✗	✗	✓	—
8	Global Dialogue on Seafood Traceability Standards (GDST), and Guidelines for Interoperable Seafood Traceability Systems ☐ GDST Core Normative Standards	n/a	Industry	— Limited. Only checks whether a labour policy is in place.	— No specific provision.	☐ 3P audit of internal policy	✗	✓ Potentially difficult to trace all the way back to vessel.	— No requirement, but vessels can set own policy.	— No requirement, but vessels can set own policy.
9	The Consumer Goods Forum (CGF) Sustainable Supply Chain Initiative (SSCI) ☐ SSCI Social Compliance Benchmark – at Sea Operations	14/16	Industry	— Yes, but defers to local laws.	✗ Allows fees and exceptions to C188.	☐ Self-assessment ☐ 3P audit ☐ In-port requirement. ☐ Interviews suggested	— Yes, but no specific role.	✗	— Yes, but not required to be independent.	✗

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Annex 9

► Labour Standards on Fishing Vessels Brief

Talking to Trade Unions in Pacific Island countries about decent work for fishers

The Pacific Island countries (PICs) fishing sector is essential to worldwide food security and employment, and integral to the economic, social and cultural life for the 12 million people living in the region. A large number of Pacific and migrant fishers work in coastal and offshore fishing in the Western and Central Pacific Ocean (WCPO). Whilst the long-term conservation and sustainable management of fisheries has long been a focus in the region, increasingly the social dimension of fishing, particularly related to poor working conditions and labour rights violations, is being recognised. The fisheries sector in general, and the PIC fishing sector in particular, is increasingly uncovering situations of poor working and living conditions, abuse, exploitation, debt bondage, forced labour and human trafficking of fishers working on fishing vessels in the WCPO.

In 2021, government revenues from fishing vessel license and access fees alone collected by Pacific Islands Forum Fisheries Agency (FFA) member governments¹ is estimated to be \$480 million,² with a large proportion of these access fees being paid to the Parties to the Nauru Agreement (PNA)³ who control the world's largest sustainable tuna purse seine fishery, valued at \$US6 billion annually.⁴ Fisheries exports also generate substantial profit for PICs, with US\$915 million in fishery exports to Thailand, the US, EU and Japan in 2021, and the total amount of fishery exports to the four countries increasing approximately 45 per cent between 2015–2021.⁵

- 1 FFA Members: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu
- 2 FFA Fishery Report Card 2022 <https://www.ffa.int/wp-content/uploads/2023/11/Tuna-Fishery-Report-Card-2022.pdf> Accessed: 10 June 2024.
- 3 PNA Members are: the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tuvalu, and Tokelau.
- 4 Pacific tuna fishery on track to return \$US1 billion <https://www.rnz.co.nz/international/pacific-news/382274/pacific-tuna-fishery-on-track-to-return-us1-billion> Accessed: 29 May 2024.
- 5 FFA Fishery Report Card 2022 <https://www.ffa.int/wp-content/uploads/2023/11/Tuna-Fishery-Report-Card-2022.pdf> Accessed: 10 June 2024.

Who are fishers working in the Pacific?

Under the International Labour Organization's (ILO) Work in Fishing Convention, 2007 (No. 188), a fisher is every person, male or female, employed or engaged in any capacity in commercial fishing operations on board any fishing vessel. This excludes shore-based people carrying out work on fishing vessels or engaging in post-harvesting activities such as shore-based processing or marketing activities, subsistence fishers, fisheries observers, pilots, naval personnel, government officials, aquaculture and aquafarming.

Information is not widely available on the composition of offshore fishing vessel crews in the WCPO, but it is clear that there is a mix of foreign and local fishers. Many fishing vessels in the Pacific engage vessel crew from low wage States, independent of the vessel flag State. Information available indicates that large numbers of crew on fishing vessels in the WCPO originate from countries in South East Asia, including Indonesia, the Philippines and Viet Nam. These crews are often recruited through private recruitment agencies in their home countries with recruitment processes coordinated by vessel agents, often based in the Pacific.

There are also examples of some predominantly Pacific Islander crew, like in Fiji where the domestic industry claims Fijian representation of just over half of the number of vessel crew on locally flagged offshore vessels, and in the Solomon Islands, where National Fisheries Developments Limited (NFD) operates a fleet of vessels with only a very small number of crew recruited from outside the Solomon Islands.

Why do fishers require protection?

Fishing can be a challenging and hazardous occupation, with capture fisheries having among the highest incidence of occupational injuries and fatalities. Offshore fishers both work and live on board vessels and are often at sea for extended periods of time and in relatively confined spaces. In the event of an accident, illness or problems on board, fishers may be far from help in terms of distance or time.

Fishers' work conditions include a number of sectoral-specificities that increase their vulnerability to labour abuses, including: the isolated nature of their workplaces, the frequently long and unpredictable work hours, exposure to dangerous weather conditions, the fact that fishers are often paid based on a share of the catch rather than a set or minimum wage, and the precarious legal status of migrant fishers which can be abused by vessel owners or skippers. It is not uncommon for fishers to be employed by third parties rather than vessel owners, and many fishers do not have written contracts which makes it difficult for them to understand and pursue their rights.

In the most severe cases, fishers can face; deception and coercion, unpaid wages, unsafe work conditions, inadequate rest, inhumane accommodation, confiscation of identity documents, refusal of repatriation, inadequate provision of medical care, sexual, psychological and physical abuse, debt bondage, forced labour, child labour, human trafficking and death.

Migrant fishers are particularly vulnerable as they can be recruited in their home country to work on a foreign-flagged vessel, that is boarded in a different country, and that will fish in another country's waters. Migrant fishers often speak a different language to their colleagues, the skipper and fishing vessel owners, and the only contact they may have to land during the duration of their work placement is when vessels dock in port States.

Decent work, forced labour, debt bondage, and human trafficking

Decent work - involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for all, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men.⁶

Forced labour - is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the person has not offered themselves voluntarily” in the ILO Forced Labour Convention, 1930 (No. 29). Fishers are vulnerable to forced labour as they can be promised a certain type of job, and when they arrive on vessels realise they have been deceived into jobs where they are paid little or nothing, and cannot leave because the vessel is at sea, they have been manipulated into debt, or had their identity documents confiscated. Poverty, illiteracy, discrimination and migration are some of the factors that make workers more vulnerable to forced labour.

Debt bondage - fishers are vulnerable to situations of debt bondage if they have to pay high recruitment fees or related costs which they plan to pay back with their wage. If fishers do not obtain the wage agreed in their contract, high recruitment fees and related costs can engender workers with a debt which makes them vulnerable to exploitation, abuse, harassment, debt bondage, forced labour, and human trafficking. Under the ILO Forced Labour Convention, 1930 (No. 29), debts could constitute a financial penalty or “menace of penalty”, which is used to coerce workers to stay in situations of abuse or exploitation as they would experience a significant financial penalty if they lost their source of income.

Human trafficking - is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000. Fishers are particularly vulnerable to human trafficking as they can be moved from one vessel to another without docking and without oversight.

How do decent work standards for fishers assist in the prevention of labour rights violations, forced labour and human trafficking?

National labour standards implemented by PICs are not usually applied to those working on fishing vessels and may not be appropriate or effective in ensuring that working conditions on fishing vessels are safe and decent. Fisheries management measures implemented by PICs have historically not addressed working conditions on fishing vessels, either for national or foreign crew. This creates a gap in the legal, institutional and operational frameworks that should be in place to protect the rights of fishers working on fishing vessels.⁷ The result of this is a significant decent work deficit which can make fishers vulnerable to abuse, exploitation, coercion, debt bondage, forced labour and human trafficking.

The prevention approach or ‘labour approach’ to these offences includes using the framework of labour rights available to all workers including migrant workers, to tackle unacceptable forms of work, through labour inspection, administration and sanctions. It is important to understand that these offences do not happen in a vacuum but always occur alongside other crimes, labour abuse and exploitation.

6 ILO “Decent work” <https://www.ilo.org/topics/decent-work#:~:text=It%20involves%20opportunities%20for%20work%20that%20is%20productive,opportunity%20and%20treatment%20for%20all%20women%20and%20men>. Accessed 26 June 2024.

7 ILO Activity Design Document (ADD): Labour Standards on Fishing Vessels, 2021.

Figure 1: Between decent work and forced labour: a continuum of exploitation



Why should trade unions in PICs support protection of fisher's rights?

The social justice imperative for service providers is clear. Fishers are some of the most vulnerable and exploited workers globally due to sectorial-specificities not found in land-based work. National legal systems and societies should support fishers who are so integral to the economic, social and cultural life in the region and globally.

Most fishers, both Pacific and migrant workers, are not part of a trade union and are often not included in workers' organizations outreach programmes making it more challenging for them to receive support if they are encountering any issues, abusive or exploitative work situations. According to ILO estimates, as many as 25 million women, men and children globally have been coerced or deceived into jobs they cannot leave. The fishing sector is one of the top sectors where the risk of forced labour is especially high.

If trade unions are facing legal restrictions to providing membership to fishers or migrant fishers, there are options to organize that don't necessarily involve them becoming full union members, such as forming associations or community groups that are associated with the union. However, all PIC ILO Member States must uphold freedom of association and right to collective bargaining commitments inherent under the membership of the ILO

- Freedom of association is enshrined in the ILO Constitution (1919), the ILO Declaration of Philadelphia (1944), and the ILO Declaration on Fundamental Principles and Rights at Work (1998). .
- Freedom of association is also a right proclaimed in the Universal Declaration of Human Rights (1948). Article 23 states that 'Everyone has the right to form and to join trade unions for the protection of his interests.'
- Under the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), temporary migrant workers, without distinction, should have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing.
- Under the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), temporary migrant workers should be protected against acts of anti-union discrimination, particularly those conditioning employment on the worker not joining, or relinquishing membership in a trade union, or threatening dismissal or harassment of a migrant worker for such affiliation.

1. How can trade unions in the Pacific support Pacific Islanders fishers prior to going to work on offshore fishing vessels?

Trade unions can ensure that prior to making the decision to go to work on an offshore fishing vessel, workers are informed of what to expect from the living and working conditions on board vessels, that they know what should happen in the recruitment process before they depart including their rights and recruitment agencies responsibilities, and that they know how to protect their rights whilst at sea.

What can fishers expect from work in the offshore fishing sector?

Living and working conditions

Many offshore fishers live and work on board fishing vessels, often for extended periods of time and in relatively confined spaces. What this means is that whilst fishers are at sea they are relatively isolated, cut off from family and community and often no way to easily communicate. In the event of an accident, sickness or problems on board, fishers could be far from help in terms of distance and time. Fishing is a physically hard and potentially dangerous job, with a high rate of injuries at work. Fishers can face long working hours and exposure to dangerous weather conditions.

Living conditions on board fishing vessels can include limited space and privacy, no escape from weather conditions, it may be hard to control the temperature, there may be a lack of access to fresh food and water, and sleeping and sanitary facilities are shared with colleagues.

Payment

Fishers are often paid for their work based on a share of the value of the catch rather than a set wage. What this means is that fishers will only earn based on the amount that is caught each day – which could be very little one day and much more the next, but always needs to be shared amongst the rest of the fishers and crew on board. This system can motivate fishers to work hard, but frequently creates a strong incentive to work excessive hours and to continue to fish even in dangerous weather conditions.

Foreign-flagged fishing vessels

Fishing vessels operating in the WCPO are often owned by people in other countries, which means that they are largely governed by the laws of that country. It also means that the fishing crew and other fishers may not speak the same language and may have different culture and customs. It is important that fishers think about how they would navigate working and living with a manager or colleagues who may not speak the same language, or may have different values or beliefs to them.

Fishing vessels can operate in areas which come under States national jurisdiction, such as territorial seas and exclusive economic zones (EEZs). Vessels can also operate in high seas, which are outside the jurisdiction of any State and therefore more challenging to regulate.

What should and should not happen during the recruitment process?

Fishers should not pay any recruitment fees or related costs to go to work on fishing vessels

At no point before going to work on a fishing vessel (or during or after work) should fishers pay recruitment fees or related costs. Recruitment fees include one-time or reoccurring service payments for recruitment services offered by public or private labour recruiters, direct recruitment by the employer, or employment of workers for a third party.⁸ Related costs include payments for: medical costs, insurance costs, costs for skills and qualification tests, costs for training and orientation, equipment costs, travel and lodging costs, and administrative costs.⁹ Under ILO Private Employment Agencies Convention, 1997 (Convention No. 181), migrant workers should not pay for recruitment fees and related costs, they should instead be paid by employers.¹⁰

Fishers should not pay recruitment fees and related costs because it can make them more vulnerable to abuse, particularly if they require migrant workers to take on excessive debt or the costs are to be paid back through wage deductions. The size of these fees may result in workers being unable to leave their employment as they would experience financial difficulties if they lost their source of income. Recruitment fees and related costs borne by workers also reduce the development impact of migration for workers, their families, and their communities as it may require many months of earnings to pay them off.

Fishers should organise a way to receive or remit wages

As fishers are at sea, they rarely receive their full wages on board, with a large percentage being sent to family or friends back home. Prior to departure, fishers should organise a way for their family or friends, or bank account to receive their wages and have these checked by family. If they would like to receive a percentage of their wages whilst on board, they should have this stipulated in their fisher's work agreement.

Fishers should undergo pre-departure and technical skills training prior to departure

It is important that recruitment agencies organise pre-departure training for fishers so they understand how they will navigate new living and working conditions. It is also important for fishers to undergo technical training prior to boarding the vessel. Fishing requires workers to learn new technical skills, and equipment used in offshore fishing is different to equipment used in coastal fishing. This training should include occupational health and safety standards, and training on how to use protective and operational equipment.

Important measures to ensure fisher's rights are protected whilst on board

Fisher's work agreement

A fisher's work agreement (FWA) is a written contract of employment between a fisher and a fishing vessel owner or employer which outlines a fisher's living and working conditions on board a fishing vessel. It is important that fishers have a written FWA to protect themselves whilst working. The FWA should be provided in fisher's own language for them to read, consider and seek advice on the terms prior to signing.¹¹ Once fishers are happy with the FWA, it should be signed by the fisher and fishing vessel owner or employer, and fishers should be provided with a copy in their own language to carry onboard the fishing vessel and share with family or friends at home.¹² Under the ILO Work in Fishing Convention, 2007 (No. 188) it is the fishing vessel owner's responsibility to ensure that each fisher has a signed, written FWA providing decent work and living conditions on board the vessel as per the minimum standards provided in the Convention.¹³ The FFA Harmonized Minimum Terms and Conditions (MTCs) Crew Employment Conditions was based on Convention No. 188 amongst other regional and international good practice documents.

8 ILO, General Principles and Operational Guidelines for Fair Recruitment and the Definition of recruitment fees and related costs, Part 2 Definition of recruitment fees and related costs, para. 9 and 10

9 Ibid. para. 12.

10 Ibid. Part 1 Operational Guidelines, para. 6.2.

11 ILO Work in Fishing Convention, 2007 (No. 188), Art. 17.

12 Ibid. Art2. 16 and 18.

13 Ibid. Art. 20.

It is very important that the below provisions are included in a FWA:¹⁴

- Fisher's full name, date of birth or age, and birthplace;
- The place and date the FWA was concluded;
- The employer, or fishing vessel owner's name;
- The name and registration number of the fishing vessel or vessels the fisher will work on;
- The voyage or voyages to be taken, if known at the time of making the FWA;
- Fishers' job description;
- The place and date fishers are required to report on board for service;
- The provisions to be supplied to fishers including; minimum standards for food and portable water, adequate facilities for resting, eating and sanitation purposes, and communication facilities in line with Annex III of Convention No. 188;
- The amount of wages fishers will receive, and how this will be calculated if it is based on share of the catch, or combined wage and share of the catch, and any agreed minimum wage;
- The amount of paid annual leave or the formula used for calculating leave;
- The protection that will cover fishers if they get sick, injured or die;
- The health and social security coverage and benefits fishers will receive from employers or fishing vessel owners;
- The fisher's entitlement to repatriation;
- The minimum periods of rest, in accordance with laws or regulations;
- Complaints and dispute resolution procedures as well as who to contact if help is required;
- A reference to the collective bargaining agreement, where applicable;
- The conditions under which the FWA can be terminated, including:
 - if the FWA has been made for a definite period, the date fixed for its expiry;
 - if the FWA has been made for a voyage, the port of destination and the time which has to pass after arrival before you are discharged; and
 - if the FWA has been made for an indefinite period, the conditions which entitle you or the fishing vessel owner/ employer to terminate the FWA and the required period of notice.

Flag State, Port State, Coastal State

A flag State – is the state that has the authority to exercise regulatory control over fishing vessels registered under its flag. A flag State is responsible for vessel authorization, monitoring, control and enforcement of all activities conducted by the vessel and its crew wherever that vessel is..

A port State – has sovereignty and exercises jurisdiction over the waters where a port is located. A port may include offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying. A port State is responsible for the authorisation and monitoring of fishing vessel entry, use (including unloading and provisioning) and departure from port areas under its control..

2. A coastal State – has sole authority for the conservation and management of living marine resources in the waters under its jurisdiction including internal waters, territorial sea, archipelagic waters and the exclusive economic zone (EEZ). A coastal State may be responsible for vessel authorization for fishing vessels operating in its waters, and the monitoring, control and enforcement of all fishing activities in its waters. How can trade unions protect fisher's rights whilst working on board and after disembarkation from offshore fishing vessels?

PICs are flag, coastal and port States, and trade unions in PICs can play an integral role in the protection of fisher's rights.

Provide pre-decision and pre-departure information services and counselling

Providing Pacific workers with information prior to making a decision to work as a fisher is important so workers can decide if fishing is the right job for them and their families. Giving fishers information about living and working conditions on board national or foreign-flagged fishing vessels, ways to receive and remit wages, the recruitment process and responsibilities of recruitment actors, information about pre-departure and technical skills training prior to departure, and clauses to be included in a FWA, all equip fishers with the knowledge they need to protect their rights in a vulnerable profession.

Provide places where fishers can communicate safely with home

The nature of offshore fishing means that fishers are often at sea for extended periods of time. For both Pacific and migrant fishers, the only contact they may have to land during the duration of their work placement is when vessels dock in port States. Having communication with families and friends at home boosts moral and supports mental health. It also means that if fishers are encountering any issues, abusive or exploitative work situations, this can be communicated in their own language to people who may be able to alert missions, Government and support services abroad for support. Service providers could advocate with fishing vessel owners to provide communication for fishers on board.

Translation support is necessary when working with migrant fishers. If service providers don't have language capacity within an existing team, this could be included as key hiring criteria for future positions. Service providers could also create a network of translators which can be accessed when migrant fishers require this, and budget for these situations. There are also many tools that can help; technological tools including automatic translation or translation over a phone call, and people, like reaching out to Embassy staff or similar.

Provide dispute resolution support to fishers, or act as a referral service

Is there a national complaints mechanism through the Ministry of Fisheries or Labour or local Government that Pacific or migrant fishers could utilise if they encounter issues? If service providers don't have the capacity to receive complaints or facilitate dispute resolution, it would be invaluable for fishers to have a service provider present in ports who could facilitate their access to the complaints mechanism, or other required support such as translation services, emergency shelter or funding, legal aid, medical care including psychological counselling, or consular support for repatriation.

Network with other trade unions and service providers

Fisher's needs can be complex and varied and networking with other trade unions, service providers or church organisations, can ensure that services are available and sensitized to fisher's specific needs and vulnerabilities. For migrant fishers, trade union/service provider networks could link with networks in countries of origin to cooperate on fisher support and cases. Network members may be able to establish guidance mechanisms between sectoral fishing affiliates to support the organizing of fishers and dispute resolution. Networks may also be able to identify awareness raising activities and public campaign tools in order to raise awareness of different target groups on fishers' rights and responsibilities throughout their employment journey.

Advocate for flag, coastal and port States to protect fishers through inspection

One way in which abuse, exploitation, coercion, debt bondage, forced labour and human trafficking of fishers can be prevented is through regular labour inspection of the working and living conditions of fishing vessels, investigation, prosecution and sanctions. These offences happen as a result of a lack of decent work conditions, including conditions during the recruitment and placement of workers, which makes workers vulnerable. It is important to understand that these offences do not happen in a vacuum but always occur alongside other crimes, labour abuse and exploitation.

Trade unions can engage with relevant Government stakeholders at both national and provincial levels to advocate for inspection of fishing vessel documentation when granting licenses as coastal States, regular inspections of PIC flag State vessels, and inspection of foreign-flagged fishing vessels in ports whenever evidence is obtained or a complaint is received that vessels do not conform to requirements. If it is not already occurring, trade unions could advocate for the use of joint inspection teams, including Government, employers' and workers' organisations.

Advocate for ratification of ILO Convention No. 188.

Convention No. 188 is an international labour standard, with the objective to ensure that fishers worldwide enjoy decent and safe working and living conditions through implementation of minimum standards for work on board fishing vessels, including; conditions of service, accommodation and food, occupational safety and health protection, medical care and social security. Ratification of Convention No. 188 could ensure that States adopt minimum standards for fishers in legislation and practice. ILO development cooperation projects can also support Governments, employers' and workers' organisations in implementing decent work for fishers.

Disclaimer: This brief serves as an informational resource for the general public. While the ILO Office for Pacific Island Countries has made diligent efforts to ensure the accuracy of the content, it is intended for general guidance only.

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International Labour Organization
Final Statement of Income and Expenditure
for International Organization for Migration



for Project RAS/20/03/IOM (108231) - Agreement RAS/20/03/IOM (502750) - Donor Ref.: SLB/IMPL/ME0150/2021 ILO

(Expressed in USD)

Project Summary

Project Name	RAS/20/03/IOM (108231)
Project Title	Labour Standards on Fishing Vessels – Funding from New Zealand
Approved Budget	884,361.66

Income

Contribution	884,361.66
Jul-2021	126,926.71
Aug-2021	115,219.37
Feb-2022	123,960.61
Sep-2022	113,498.70
Feb-2023	108,419.16
Sep-2023	101,108.65
Dec-2023	103,770.95
Jul-2024	91,457.51
Interest	20,551.25
Dec-2022	992.79
Dec-2023	10,680.42
Dec-2024	8,878.04
Total Income (A)	904,912.91

Summary by Outcome

Description	(1) Prior Reporting Period Expenditure	(2) 2025 Expenditure	(1+2) = (3) Total Expenditure (B)
01 - The provision of information, opportunities for collaboration and coordination, and technical support to PICs to improve working conditions on fishing vessels.	80,434.24		80,434.24
02 - Technical and operational support to PICs to develop, implement, monitor and enforce labour standards, including the national implementation of MTCs for Crew Employment Conditions.	87,985.27		87,985.27
03 - The provision of knowledge and tools for advocacy, awareness raising and social consensus building on improving working conditions on fishing vessels.	104,338.12		104,338.12
04 - Technical support and advice to fishing entities in PICs establish and maintain safe, decent and worthwhile working conditions on fishing vessels.	116,618.04	-144.00	116,474.04
06 - Project Management & Oversight	410,910.61	-168.05	410,742.56
99 - Programme Support Costs and Provision for Cost Increase	56,019.99	-21.85	55,998.14
Total	856,306.27	-333.90	855,972.37

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Summary by Resource Category

Description	(1) Prior Reporting Period Expenditure	(2) 2025 Expenditure	(1+2) = (3) Total Expenditure (B)
International Consultants	22,906.22		22,906.22
Local Support Staff	112,541.23		112,541.23
National Professional Staff	214,197.68		214,197.68
Travel Project Staff	51,281.61		51,281.61
Travel Other Staff	18,083.55		18,083.55
Subcontracts	161,833.67		161,833.67
General Operating Expenses	35,324.50	-168.05	35,156.45
Communications	2,481.62		2,481.62
Furniture and Equipment	18,993.94		18,993.94
Seminars	132,248.05	-144.00	132,104.05
Training Activities	30,394.21		30,394.21
Programme Support Costs	56,019.99	-21.85	55,998.14
Total	856,306.27	-333.90	855,972.37

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Summary by Outcome & Output

Description	(1) Prior Reporting Period Expenditure	(2) 2025 Expenditure	(1+2) = (3) Total Expenditure (B)
01 - The provision of information, opportunities for collaboration and coordination, and technical support to PICs to improve working conditions on fishing vessels.	80,434.24		80,434.24
01.01 - The provision of information, opportunities for collaboration and coordination, and technical support to PICs to improve working conditions on fishing vessels.	80,434.24		80,434.24
Travel Project Staff	21,949.02		21,949.02
Subcontracts	37,306.67		37,306.67
Seminars	7,051.42		7,051.42
Training Activities	14,127.13		14,127.13
02 - Technical and operational support to PICs to develop, implement, monitor and enforce labour standards, including the national implementation of MTCs for Crew Employment Conditions.	87,985.27		87,985.27
02.01 - Technical and operational support to PICs to develop, implement, monitor and enforce labour standards, including the national implementation of MTCs for Crew Employment Conditions.	87,985.27		87,985.27
International Consultants	15,706.22		15,706.22
Travel Project Staff	13,349.49		13,349.49
Travel Other Staff	11,869.01		11,869.01
Subcontracts	17,365.77		17,365.77
General Operating Expenses	1,957.01		1,957.01
Furniture and Equipment	3,298.22		3,298.22
Seminars	8,796.91		8,796.91
Training Activities	15,642.64		15,642.64

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Summary by Outcome & Output

Description	(1) Prior Reporting Period Expenditure	(2) 2025 Expenditure	(1+2) = (3) Total Expenditure (B)
03 - The provision of knowledge and tools for advocacy, awareness raising and social consensus building on improving working conditions on fishing vessels.	104,338.12		104,338.12
03.01 - The provision of knowledge and tools for advocacy, awareness raising and social consensus building on improving working conditions on fishing vessels.	104,338.12		104,338.12
International Consultants	7,200.00		7,200.00
Travel Project Staff	6,586.74		6,586.74
Travel Other Staff	4,891.30		4,891.30
Subcontracts	71,615.74		71,615.74
Seminars	14,044.34		14,044.34
04 - Technical support and advice to fishing entities in PICs establish and maintain safe, decent and worthwhile working conditions on fishing vessels.	116,618.04	-144.00	116,474.04
04.01 - Technical support and advice to fishing entities in PICs establish and maintain safe, decent and worthwhile working conditions on fishing vessels.	116,618.04	-144.00	116,474.04
Travel Project Staff	5,754.52		5,754.52
Travel Other Staff	1,323.24		1,323.24
Subcontracts	35,545.49		35,545.49
Furniture and Equipment	2,681.33		2,681.33
Seminars	70,689.02	-144.00	70,545.02
Training Activities	624.44		624.44

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Final Statement of Income and Expenditure
for International Organization for Migration



for Project RAS/20/03/IOM (108231) - Agreement RAS/20/03/IOM (502750) - Donor Ref.: SLB/IMPL/ME0150/2021 ILO
 (Expressed in USD)

Project Summary

Project Name	RAS/20/03/IOM (108231)
Project Title	Labour Standards on Fishing Vessels – Funding from New Zealand
Approved Budget	884,361.66

Summary by Outcome & Output

Description	(1) Prior Reporting Period Expenditure	(2) 2025 Expenditure	(1+2) = (3) Total Expenditure (B)
06 - Project Management & Oversight	410,910.61	-168.05	410,742.56
06.01 - Staff Cost	335,965.91		335,965.91
Local Support Staff	112,541.23		112,541.23
National Professional Staff	214,197.68		214,197.68
General Operating Expenses	6,453.00		6,453.00
Furniture and Equipment	2,774.00		2,774.00
06.02 - Operational Cost	74,944.70	-168.05	74,776.65
Travel Project Staff	3,641.84		3,641.84
General Operating Expenses	26,914.49	-168.05	26,746.44
Communications	2,481.62		2,481.62
Furniture and Equipment	10,240.39		10,240.39
Seminars	31,666.36		31,666.36
06.03 - Monitoring and Evaluation			
99 - Programme Support Costs and Provision for Cost Increase	56,019.99	-21.85	55,998.14
99.01 - Programme Support Costs and Provision for Cost Increase	56,019.99	-21.85	55,998.14
Programme Support Costs	56,019.99	-21.85	55,998.14
Total	856,306.27	-333.90	855,972.37

Final Balance (A - B) :

48,940.54

DocuSigned by:

28-May-25

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Certified by : Sietse Buijze

Chief

Development Cooperation Budget Unit

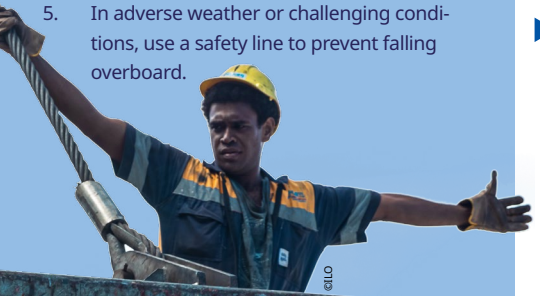
Budget and Finance Branch

Annex 10



Keeping safe at sea and using Personal Protective Equipment (PPE)

1. Your employer must implement adequate safety protection measures and they must supply safety equipment, protective wear, and ensure proper training.
2. Wear earmuffs to protect yourself from loud noises in the ship engine's room.
3. Wear floating aids such as marine work vests or life jackets when required.
4. When working on high, ensure you always wear a lifeline or safety line. The lifeline should be securely attached to the vessel, easily accessible, and capable of swiftly pulling you back on board in the event of a water-related fall.
5. In adverse weather or challenging conditions, use a safety line to prevent falling overboard.



Lighting and electricity

1. Your skipper must inspect and maintain power through its generator.
2. All electrical appliances must be in a safe working condition.
3. Your employer should install fluorescent lights in hazardous areas to ensure they do not disrupt your vision or nighttime work.
4. Your employer should ensure emergency lights are always functional and you should report any malfunctions.



Contact with chemicals

1. Onboard, you may encounter various chemicals, fuels, and oils. Your employer should supply protective equipment, tools, chemical safety instructions and protective clothing for the safe handling of these substances.



Machine safety

1. Your employer must provide thorough safety training and instruction guides for machines.
2. Your employer should organize the workplace in an orderly way for safe machine use.
3. Always wear the provided protective gear before operating machines, and avoid loose-fitting clothing that could be caught in the machinery.



Organizing the workplace

1. Keep passageways and work areas clear so you or other workers don't slip or trip.
2. Never walk under a hanging load.
3. Return materials to their original places after using them.



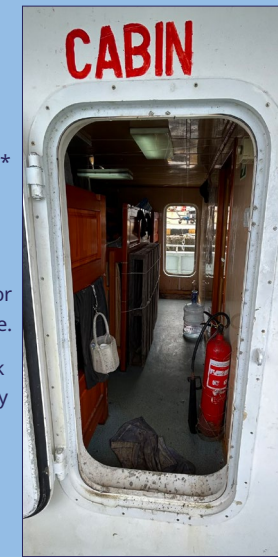
Carrying and handling heavy or awkward loads

1. Bend your knees and lift with your legs (not your back).
2. Keep the weight close to your body.
3. Use a hoist or winch if needed.
4. Ask for help if something is too heavy to lift.



Coping with fatigue

1. Your employer should give you regular periods of rest, of sufficient length, to ensure safety and health. *
2. Ask another crew member to take over your work if you feel too tired or drowsy to continue.
3. Use an alarm clock and set up a buddy system for control of the vessel at night.
4. There must be at least 2 skippers at night.



Treatment for injuries and first aid

1. Cuts can develop into serious infections so disinfect them immediately and cover them with a band-aid.
2. Your employer needs to supply proper first aid supplies, keep them clean and accessible for potential injuries, and store them safely in a weatherproof container.
3. Instructions for all medical and safety equipment should be in languages understood by all fishing crew.
4. If you are seriously injured or ill on board, the skipper must bring you back to shore for medical treatment.
5. Your employer must ensure the boat has a working radio for communication with the navy, nearby ships, or coast guard, especially in emergencies.



This publication is produced by the Labour Standards on Fishing Vessels project funded by the Government of New Zealand. The project supports Pacific Island Countries to address the issue of poor working conditions, labour rights violations and human trafficking on fishing vessels in the Pacific.

Get Help

Should you encounter any challenges or have inquiries regarding your safety, working conditions, or living conditions on fishing vessels, contact:

Fishers' Branch of the Transport Workers Union
 📞 9921183 – Western
 📞 9917425 – Central

Ministry of Employment, Productivity and Industrial Relations
 📞 3303500

Labour Standards on Fishing Vessels Project
 📞 3278924
 📞 9906672

Disclaimer: This brochure, developed using ILO Ship to Shore project IEC material serves as an informational resource for fishers in Fiji. While the ILO Office for Pacific Island Countries has made diligent efforts to ensure the accuracy of the content, it is intended for general guidance only.

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I Clean and hygienic food and water

1. Your employer must provide enough clean drinking water and food.
2. Clean fresh water must be provided for showering and brushing teeth.
3. Food storage facilities must always be clean.
4. Waste must be properly sealed in containers and kept away from eating areas.

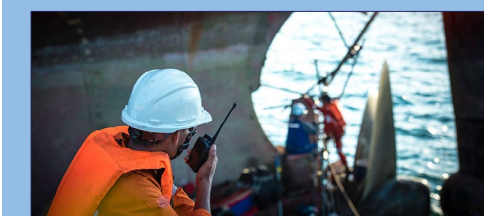
J Fire prevention

1. Your employer must supply the right number of fire extinguishers, install them visibly in accessible locations and ensure all information about extinguishers is in a language you understand.
2. Do not store gas cylinders close to objects that can explode or catch fire.



K Warning systems

1. The employer should put up clear safety signs, and establish a warning system to alert in case crew members are missing.



L Violence or threats on board

1. Physical and sexual violence, along with threats, are not acceptable.
2. If you or co-workers are threatened or beaten, seek help from police, labour inspectors, civil society organizations or unions.
3. When you have safety or health problems at

M Important considerations

On shore

1. You should know your labour rights before you board a fishing vessel.
2. Before starting your job, ensure you receive a signed written employment contract. Keep a copy for yourself and send another to a trusted person.
3. You are entitled to a minimum wage of at least FJ\$4.00 per hour in Fiji and have the right to sick leave, annual leave, and paid maternity leave.**
4. Your employer must tell you how long you will be at sea.
5. You are entitled to healthy sleep and rest hours and any overtime work must be voluntary. **
6. Always carry your documents and create photocopies for your spouse, family member, or trusted friend to hold.
7. You can store photos of your documents on your phone.
8. Consider drawing up a will and share it with your spouse, family member, or trusted friend.
9. You have the right to join a trade union or industrial association. ***
10. You have the right to quit, leave your job or change jobs and still be paid for the work you have completed.

On the vessel

1. It is more difficult to maintain safety and health standards when you are stressed and tired. Where possible, try to stay positive and open to working smarter, safer and healthier.
2. If you have a conflict on the vessel, you should seek information and assistance from someone you trust, including potentially a fisheries observer on the boat.
3. If you do not feel comfortable directly discussing a conflict with your employer, you can contact a trade union, a civil society or faith-based organization and government authorities for help.
4. Your employer must arrange and cover the expenses for your return to the place where you were hired.

Keep yourself safe and healthy and always remember safety is everyone's responsibility.

Footnote:
 * refer to ILO Work in Fishing Convention, 2007 (No. 188) : PART 4, ARTICLE 13 (b) <https://bit.ly/3RspS8T>
 ** refer to Employment Relations (National Minimum Wage) (Amendment) Regulations 2022 <https://www.employment.gov.fj/resources/prs/GazetteNotice.pdf>
 *** Fiji Employment Relations Promulgation 2007, PART 2 — FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK, Part 6. Fundamental principles and rights 2- (5 & 6) <https://bit.ly/478gzzz>



SAFETY & HEALTH on board your fishing vessel is everyone's concern