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**INFORMATION PAPER ON LABOUR RIGHTS IN THE FISHING INDUSTRY  
(THE CASE OF UNPAID SALARY DISPUTES ON FISHING VESSELS)**

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## **INFORMATION PAPER ON LABOUR RIGHTS IN THE FISHING INDUSTRY (THE CASE OF UNPAID SALARY DISPUTES ON FISHING VESSELS)**

As per November 13<sup>th</sup>, 2019, we received an e-mail from the Secretariat of WCPFC regarding *the Unpaid Salary Dispute at Apia Port Samoa*. This e-mail originally sent on November 7<sup>th</sup>, 2019, by a representative of a foreign crew's agency. The e-mail stated that several Indonesian crews, who tried to retrieve their salary from a fishing company whom is based in one of the member countries of the WCPFC. It is believed that the company in question is breaking the law, and running a salary scam by not paying salary dues for at least 97 crewmen since January, 2019. Some of the crew laborers were contacted by representatives of the foreign crew agency, and informed that the vessels they had been deployed on were called into port at Apia. There are more than 20 Indonesian crewmen that had been deployed onto 3 (three) vessels separately. The crew members have collectively claimed that the contracting fishing company was dishonest to them about the status and the details of their salaries and remuneration; hence crews were intentionally made unaware of this current situation until they contacted their home and agency's office. In order to immediately solve this problem, the agency has sent correspondence via e-mail to UNESCO, UNDP, and UN-ILO offices in the area, in hopes to steer this situation in the right direction to resolve this unpaid salary dispute. In the same spirit we are raising this concern to the Commission.

For the sake of responsible fisheries management, we consider this dispute an issue of labour abuse, particularly in terms where crews are forced to work intensely, over long periods of time, in difficult and dangerous conditions, with low or no payment at all. In this particular case relating to all these seamen, salaries have not been paid for almost a year since January 2019. It is acknowledge that fishing crews are subject to forced labour and human trafficking because the absence of proper training, insufficient language aptitudes, and furthermore absence of authorization of wellbeing and benchmarks for working conditions. People being forced to work and human trafficking in fishery segments are much of the time connected to different types of wrongdoing, such as other instances of international crime and corruption. Another labour abuse factor is the correlation between expanding worldwide interest for fish, overexploitation of marine resources through the rapid increase in fishing effort from modern and industrial fleets that are fishing in distant waters and are reliant on cheap and international migrant workers in order to improve profit margins. Fishing operators can have a competitive benefit by crewing their vessel with under-qualified and cheap labour.

This problem of labour abuse is serious and should be handled comprehensively through the implementation of institutional legal instruments, regulation, policy and also the good practice of traceability and market measures. Institutional policies and legal frameworks should include regulations for determining labour standards, safety at sea, and fisheries management and conservation. Market measures should have international instrument(s) which provide guidance to businesses on respecting workers' rights, and also the guidance of traceability in supply chain to ensure working practices are transparent and robust. Both legal

frameworks and market measures should be supported by the involvement of the stakeholders.

In terms of fisheries management and conservation, The FAO Code of Conduct for Responsible Fisheries (1995), has the purpose to set international standards of conduct for capable practices with the end goal of guaranteeing the viable preservation, the management and improvement of living oceanic assets, with due regard for the biological system and biodiversity. It is stated that on article 6.17 States should ensure that fishing facilities and equipment as well as all fisheries activities allow for safe, healthy and fair working and living conditions and meet internationally agreed standards adopted by relevant international organizations. Labour abuse is clearly not a fair working and living conditions.

Regional Fisheries Management Organizations (RFMOs) also holds the commitment on having responsible fisheries management and conservation. On the case of the salary dispute between fishing company and the fishing crews, the vessels where the fishing crews were posted are listed in Western and Central Pacific Fisheries Commission (WCPFC) Record of Fishing Vessels under the submission of one of the CCMs in WCPFC.

Under the Resolution 2018-01 **Resolution on Labour Standards for Crew on Fishing Vessels**, CCMs are encouraged to make every effort to ensure that their relevant national legislation fully extends to all crews working on fishing vessels flying their flag in the WCPFC Convention Area and, where appropriate and applicable, CCMs are encouraged to adopt measures into their national legislation to establish minimum standards regulating crew labour conditions. Furthermore, CCMs are encouraged to implement measures, consistent with generally accepted international minimum standards for crew on fishing vessels, where applicable, to ensure fair working conditions on board for all crews working on fishing vessels flying their flag and operating within the WCPFC Convention area. Referring to Resolution 2018-01, the operators of those vessels involved in the dispute are unable to ensure and failed to provide fair working conditions for the crews working on their fishing vessels, including decent and regular remuneration, by not paying the crews' salary since January 2019.

As a member of WCPFC, we hope that this case could be resolved immediately to ensure the safety and the well-being of all of the fishing crews. We hope the CCM could impose their correct measures and regulation so the operators of those vessels could exercise their liability within the soonest time in the fair and responsible manner.

In the future, as the member of WCPFC, we propose to have better measures on tackling labour abuse through the implementation of law and policy; comprehensive research on the effect of labour abuse for fisheries as a system; more knowledge sharing amongst members on handling similar cases; increasing communication and awareness amongst stakeholders including media, government, inter-government agencies, fishing operators, suppliers, migrant workers, and consumers; more representatives from the organization of employee

and workers in fishing industries; and lastly improving cooperation and coordination amongst members of WCPFC.

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