



COMMISSION
SEVENTEENTH REGULAR SESSION
Electronic Meeting
8 – 15 December 2020

**PROPOSED CMM ON THE LABOUR STANDARDS FOR CREW ON
FISHING VESSELS**

WCPFC17-2020-DP09
23 November 2020

Submission by Indonesia



**MINISTRY OF MARINE AFFAIRS AND FISHERIES
OF THE REPUBLIC OF INDONESIA
DIRECTORATE GENERAL OF CAPTURE FISHERIES**

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November, 20, 2020

Mr. Feleti P. Teo OBE
Executive Director
Western and Central Pacific Fisheries Commission (WCPFC)
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Subject : **Proposed CMM on the Labour Standards for Crew on
the Fishing Vessels**

Dear Mr. Feleti P. Teo OBE,

Following the Information Paper on Labour Rights in the Fishing Industry (The Case of Unpaid Salary Disputes on Fishing Vessels), WCPFC16-2019-DP23, issued on December 5th, 2019 and in regard to the **17th Regular Session of the Commission** which will be held on 7 – 15 December 2020, *online*, herewith as attached a proposal from Indonesia regarding the Conservation and Management Measures on the Labour Standards for Crew on the Fishing Vessels.

We acknowledge that fishing crews are inclined to forced work and human trafficking because the absence of proper training, insufficient language aptitudes, and furthermore absence of authorization of wellbeing and work benchmarks. Forced work and human dealing in fisheries segments are much of the time connected to different types of wrongdoing, for example, transnational sorted out fisheries wrongdoing and corruption. Another labour abuse factor is the expanding worldwide interest for fish and the quick development of modern fishing fleets alongside overexploitation. Fishing operators can have a competitive benefit by crewing their vessel with under-qualified and cheap members.

In the spirit of responsible fisheries management, an issue of labour abuse needs to be addressed properly and regulated accordingly, including within the convention area of WCPFC through the implementation of conservation and management measures for labour rights.

We would be very delighted if you could acknowledge receiving this proposal and distribute this to fellow members of WCPFC to gain inputs and suggestions.

Thanking you very much for your kind attention and cooperation.

Sincerely Yours,

A handwritten signature in blue ink, consisting of several loops and a vertical line extending downwards.

Trian Yunanda

Director of Fish Resources Management

Cc. Director General of Capture Fisheries



COMMISSION
SEVENTEENTH REGULAR SESSION
Online
xx December 2020

CONSERVATION AND MANAGEMENT MEASURE ON THE LABOUR
STANDARDS FOR CREW ON THE FISHING VESSELS

CMM 2020-XX

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

Recalling Articles 6 and 8 of the 1995 FAO Code of Conduct for Responsible Fisheries, which set out international standards, including the labour standards for the responsible conduct of fishing operations to ensure fair work and living conditions;

Recalling Article 6 of the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication

Noting the Commission has to consider adopting generally accepted international minimum labour standards for the responsible conduct of fishing operations;

Noting the increasing global attention to instances of poor labour conditions, breaches of fundamental human rights, mistreatment of crews including instances of trafficking, servitude, bonded labour, forced labour and child labour on board fishing vessels;

Noting the ratifications and implementation of ILO C188 Work in Fishing Convention;

Noting the global ratification and implementation in the national legislation of international standards concerning the protection of fundamental human rights under the Universal Declaration of Human Rights 1948;

Acknowledging the important role played by crew members and observers in assisting the conduct of fishing vessel operations in compliance with WCPFC Conservation and Management Measures, and the central role that crew members and observers play in contributing to effective fishing operations;

Recalling efforts that WCPFC Members have made in recent years in improving the conditions and welfare of observers on board fishing vessels, and acknowledging the equal importance of the welfare of crew members;

Reaffirming the importance of the responsibilities of flag States under international law regarding fishing vessels flying their flag, including with respect to safety at sea and labour conditions on fishing vessels;

Mindful that WCPFC Members have a legitimate interest in increasing the participation of

their labour force in the crewing of vessels that catch highly migratory fish stocks in their waters, and that CCMs are interested in promoting safe and decent employment for their nationals, including direct access to welfare and legal support;

Resolves that:

1. CCMs shall make every effort to ensure that their relevant national legislation fully extends to all crews working on fishing vessels flying their flag in the WCPF Convention Area and, where appropriate and applicable, CCMs shall adopt measures into their national legislation to establish minimum standards regulating crew labour conditions. CCMs shall ensure the adequate enforcement of all relevant legislation, including by identifying and prosecuting breaches of relevant national and international laws relating to the treatment of crew by people in the fishing industry including the skipper, fishing master, crewmates, vessel owner, and vessel operators landing fish in their ports or operating in their waters, by publicly reporting prosecutions to act as a deterrent.
2. CCMs shall implement measures, consistent with generally accepted international minimum standards for the crew on fishing vessels, to ensure fair and safe working conditions on board for all crew working on fishing vessels flying their flag and operating within the WCPFC Convention area, including, *inter alia*:
 - a) A safe and secure working environment with minimum risk to health, safety, and welfare;
 - b) Fair terms of employment, that are enshrined in a written contract or agreement or in equivalent measures, which are made available to the crew member, in a form and language that facilitates the employee's understanding of the terms and is agreed by the crew member, and further endorsed by the authorities;
 - c) Decent working and living conditions on board fishing vessels, including access to sufficient freshwater and food, operational safety protection and medical care, and that facilitate acceptable standards of sanitary hygiene which has to be provided by the fishing operator or the owner of the fishing vessel;
 - d) Decent and regular remuneration as well as appropriate insurance for the crew; and
 - e) Providing crew members with the rights for the free and unfettered opportunity to disembark, terminate the contract of employment, and seek repatriation at the employer's cost, if so entitled;
 - f) Providing crew members with manning protection from the illegal procedure of deployment in unregistered fishing vessel
 - g) Manning agents and vessel owners shall make sure crew members are aware of their rights, access to legal support, and access to a disputes mechanism before a contract is signed, and before a crew member embarks on a vessel;
3. In the event that a crew member of a fishing vessel dies, is missing or presumed fallen overboard, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a) immediately ceases all fishing operations;
 - b) immediately commences search and rescue if the crew member is missing, or presumed fallen overboard, and searches for at least 72 hours unless the crew member is found sooner, or unless instructed by the flag CCM to continue searching¹;
 - c) immediately notifies the flag CCM and relevant agencies;
 - d) immediately alerts other vessels in the vicinity by using all available means of communication;
 - e) cooperates fully in any search and rescue operation
 - f) whether or not the search is successful, return the vessels for further investigation to the nearest port, as agreed by the flag CCM and the manning agent;
 - g) provides the report to the manning agent and appropriate authorities on the incident; and
 - h) cooperates fully in any all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing crew member.
4. Paragraphs 3(a), (c) and (h) apply if a crew member dies. Also the flag CCM shall require that the fishing vessel ensure that the body is well-preserved for the purposes of an autopsy, investigation, and repatriation.
5. In the event that a crew member suffers from a serious illness or injury that threatens his or her health or safety, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:
- a) immediately ceases fishing operations;
 - b) the crew member is excused of any and all active duties
 - c) immediately notifies the flag CCM
 - d) takes all necessary actions to care for the crew member and provide any medical treatment available and possible on board the vessel;
 - e) where directed by the manning agent, if not already directed by the flag CCM, facilitates the disembarkation and transport of the crew to a medical facility equipped to provide the required care, as soon as practicable at the employer's expense; and
 - f) cooperates fully in any and all official investigations into the cause of the illness or injury.
6. For the purposes of paragraphs 3 through 5, the flag CCM shall ensure that the appropriate Maritime Rescue Coordination Centre², manning agent and Secretariat are immediately notified.
7. In the event that there are reasonable grounds to believe a crew member has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the crew member or the manning agent indicates to the CCM to which the fishing vessel is flagged that they wish for the crew member to be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:
- a) immediately takes action to preserve the safety of the crew member and mitigate and resolve the situation on board;
 - b) immediately notifies the flag CCM and the manning agent of the situation, including

¹ In the event of force majeure, flag CCMs may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

² <http://sarcontacts.info/>

- the status and location of the crew member, as soon as possible;
 - c) facilitates the safe disembarkation of the crew member in a manner and place, as agreed by the flag CCM and the manning agent, that facilitates access to any needed medical treatment at the expense of the employer; and
 - d) cooperates fully in any and all official investigations into the incident.
8. In the event that there are reasonable grounds to believe that a crew member has been assaulted, intimidated, threatened, or harassed but neither the crew member nor the manning agent wishes that the crew member be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:
- e) immediately takes action to preserve the safety of the crew member and mitigate and resolve the situation on board as soon as possible;
 - f) immediately notifies the flag CCM and the manning agent of the situation as soon as possible; and
 - g) cooperates fully in all official investigations into the incident.
9. If any of the events in paragraphs 3 – 7 occur, port CCMs, shall facilitate entry of the fishing vessel to allow disembarkation of the crewmember and, to the extent possible, assist in any investigations if so requested by the flag CCM.
10. In the event that, after disembarkation from a fishing vessel of a crew member, a manning agent identifies, such as during the course of debriefing the crew member, possible violation involving assault or harassment of the crew while on board the fishing vessel, the manning agent shall notify, in writing, the flag CCM and the Secretariat, and the flag CCM shall:
- a) immediately investigate the event based on the information provided by the manning agent and take any appropriate action in response to the results of the investigation;
 - b) cooperate fully in any investigation conducted by the manning agent, including providing the report to the crew member provider and appropriate authorities of the incident; and
 - c) notify the manning agent and the Secretariat of the results of its investigation and any actions taken.
11. CCMs shall ensure that the manning agent:
- a) immediately notify the flag CCM in the event that a crew member dies, is missing or presumed fallen overboard in the course of their duties;
 - b) cooperate fully in any search and rescue operation;
 - c) cooperate fully in any and all official investigations into any incident involving a crew member;
 - d) facilitate the disembarkation and replacement of a crew member in a situation involving the serious illness or injury of that crew member as soon as possible; and
 - e) facilitate the disembarkation of a crew member in any situation involving the assault, intimidation, threats to, or harassment of that crew member to such an extent that the crew member wishes to be removed from the vessel, as soon as possible.; and
12. Notwithstanding paragraph 1 CCMs shall ensure that any authorized High Seas Boarding and Inspection vessels flying their flag cooperate, to the greatest extent possible, in any search and rescue operation involving a crew member. CCMs shall also encourage any other vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving a crew member.

13. Where requested, relevant manning agent and CCMs shall cooperate in each other's investigations including providing their incident reports for any incidents indicated in paragraphs 3 through 8 to facilitate any investigations as appropriate.
14. CCMs are required to work with any entities involved in recruitment of crew to implement the provisions of this Resolution, and develop national level regulations that mitigate the scope for unethical recruitment practices as appropriate.
15. CCMs are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence to improve and enforce requirements regarding crew conditions on board fishing vessels.
16. All CCMs are encouraged to share progress on implementation of this Resolution annually to the Commission.
17. To implement this Resolution, developed CCMs are encouraged to make concerted efforts and consider innovative options to assist developing CCMs, both flag CCMs and coastal CCMs, in the development and strengthening of relevant domestic legislation and in the enforcement of that legislation, including working with local industries (which includes manning agents) to help them meet the minimum standards in this Resolution.
