

# Shoring Up

**In the wake of the adoption of the Work in Fishing Convention, 2007, working conditions in shore-based fishing operations must be improved**

**T**he Work in Fishing Convention, 2007, of the International Labour Organization (ILO) defines commercial fishing as all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing. Fishers are defined to mean every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch, but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers.

It is worth noting that although the definition of commercial fishing encompasses all fishing operations, the definition of fishers takes into account only vessel-based fishers. Shore-based fishers are thus excluded from the scope of the Convention.

The Provisional Record of the discussion on the definition of the term 'fisher' during the 92nd session of the International Labour Conference (ILC), in June 2004, throws some light on the debate that took place on the issue of an inclusive definition of a fisher (see box) to cover both vessel- and shore-based fishers.

Delegates agreed that for the purposes of ILO's Work in Fishing Convention, a fisher would be seen as a person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, but that Member States could extend the protection of the Convention to other types of workers, if they so wished. It was noted that

the ILO Constitution allows governments to apply more favourable conditions than those provided for in a Convention or Recommendation.

The onus is then on governments to consider the Work in Fishing Convention, 2007, in the light of the realities within its own fishing sector, and to ensure that the protection provided by the legislation following this Convention is enjoyed by all significant categories of fishers.

In particular, it should be ensured that provisions related to minimum requirements for work, conditions of service, occupational safety and health protection, medical care and social security apply to all significant categories of fishers.

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In many countries, particularly developing countries, fishers who engage in harvesting of living resources without the use of vessels—those who glean, dive and shore-seine—are an important part of the fishing population.

## **Most marginalized**

By all accounts, many of these fishers are amongst the most marginalized and vulnerable among the fishing population, and many are women. This is certainly the case in India, for instance.

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### Discussion under Point 5 (Definitions), Clause 5(c)

From Provisional Record, 92nd Session of the ILC, 2004. "Fifth item on the agenda: Work in the fishing sector – A discussion with a view to the adoption of a comprehensive standard (a Convention supplemented by a Recommendation)" <http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-21.pdf>

#### Discussion under Point 5 (Definitions), Clause 5(c)

The Government member of Brazil, speaking also on behalf of the Government member of Chile, introduced an amendment to address a possible exclusion from protection under the Convention to fishers who were not working aboard ships, given that presence aboard a fishing vessel was a strict requirement under the proposed Convention. It was informed that according to Brazilian legislation, workers working in aqua farming, as well as persons catching crabs in swamps or picking oysters, were also considered fishers.

The Government member of Brazil stressed that the amendment's goal was not to provide an automatic extension of

cover, but to allow member States to fill gaps resulting from too strict a definition of fishers, thus giving discretion to member States to extend the cover of the Convention to other groups of workers they considered fishers". However, the Government member of Norway pointed out that Norwegian legislation did not treat workers involved in fish harvesting as fishers. They were covered by regulations for shore-based workers. Since the amendment created two alternative definitions of fishers, Norway did not support it. Member States could, in any case, extend the protection to other types of workers, if they so wished, it was stressed. The Norwegian position was supported by several other Government members, including Greece and Germany, and by the Employer and Worker Vice-Chairpersons.

The representative of the Secretary-General pointed out that article 19, paragraph 8, of the ILO Constitution allows governments to apply more favourable conditions than those provided for in a Convention or Recommendation. On that basis, the Government member of Brazil withdrew the amendment.

A rapid appraisal, based on secondary literature and interviews with fish-worker and other organizations, on the kinds of shore-based fishing activities across the coastal States in India, is re-

species harvested are used for domestic consumption, sale in the domestic market, or export. The people engaged in shore-based activities are either self-employed, working under a share system, or employed under a contract system, by traders or their agents. Vessels may be used to assist in the transport of fishers, or to carry the harvest, but not for the fishing operation *per se*.

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#### Literature survey

Information on numbers of fishers engaged in shore-based fishing operations is hard to come by. The information in the adjacent table on India is based on a survey of existing literature and information provided by organizations working on fisheries issues. Though only rough estimates, it does indicate that thousands of people are engaged in shore-based fishing

vealing. Shore-based fishing operations target a wide range of species, such as clams, molluscs, certain shrimp species, seaweed, sea cucumbers and shells. A wide range of gear is employed, including shore-seines, traps, stake-nets, bag-nets, small gillnets and diving gear. The

Table: Some Types of Shore-based Fishing

Type of Fishing	Number of People Involved
Fishing for prawns and other species by <i>pagariya</i> fishermen in the Gulf of Kachchh, Gujarat	About 3,230 <i>pagariya</i> households are estimated to be involved in fishing, using stake-nets
Monsoon fishing for <i>Metapenaeus kutchensis</i> (a type of shrimp) in the Gulf of Kachchh, Gujarat, by the <i>miana</i> community	5,000 fishers from the <i>miana</i> community are estimated to be involved in this fishing (Kizhakudan et al., 2003)
Seaweed collection in the Gulf of Mannar, Tamil Nadu	An estimated 5,000 fishers, mainly women, are engaged in this type of fishing (Rajagopalan, 2007)
Crab fishing in Diviseema area of Andhra Pradesh	It is estimated that about 1,000 women from 20 villages are engaged in hand-picking of crabs
Mollusc fishing in Kerala	It is estimated that 4,250 people are involved in mussel collection from Vembanad estuary, of which 600 are estimated to be women. About 1,250 people engage in oyster collection; about 600 are estimated to be women.
Prawn seed collection (using stake-nets or hand-pulled drifting bag-nets) in Sunderbans, West Bengal	An estimated 30,000 people are known to earn their livelihoods from this type of fishing, with a significant proportion being women and children.

Sources: Setu (Gujarat); ICM (Andhra Pradesh); SIFFS (Kerala); DISHA (West Bengal); *Role of Fishermen in Conservation and Management of Marine Fishery Resources in Gujarat, India: Some Case Studies*. J.K. Kizhakudan and S.J. Kizhakudan, 2003. CMFRI, India; *Marine Protected Areas of India* (study in progress). Ramya Rajagopalan, 2007

operations, and that any legislation put in place to improve working conditions in fishing must necessarily cover this segment of the fishing population.

From an occupation-health and safety perspective, those engaged in shore-based fishing operations that take place mainly in the tidal or the inter-tidal zones are exposed to various types of hazards, illness and disease, related to the nature of their occupation, and to natural calamities.

Diving for collection of seaweeds, chanks (*Turbinella pyrum*) and bivalves, for example, though lucrative, is dangerous. Divers may dive to a depth of 10-25 m with just a pair of goggles and flippers (a pair of flat tin plates attached to the feet, a very recent addition to the gear), and without an oxygen mask. In the Gulf of Mannar, fishers may start diving at the age of 15, continuing till the age of 40-45. Premature ageing is prevalent among divers. Even though accidental deaths are rare, ailments like earache and hearing impairment have been reported.

Clam pickers and other fishers, like the women in the *kolim* (a type of shrimp) fishery in Maharashtra, who

wade in the waters for long hours, are exposed to various sorts of occupational health hazards, such as rheumatoid arthritis and backache, due to their posture and their constant exposure to water. These issues of occupational health and safety are clearly important and need to be addressed, to improve



A woman collecting shrimp seed in the deltaic estuarine waters of the Sunderbans, West Bengal, India

conditions of work in shore-based fishing activities.

Shore-based fishers are also highly vulnerable to natural disasters. In the severe cyclone that hit the East Godavari district of Andhra Pradesh, India, on 6 November 1996, as many as 2,560 people lost their lives, of whom, 1,435 were fisher people. While 600 of these were fishers on mechanized boats at sea, the other 830 people—women, men and children—who lost their lives were those engaged in shore-based fishing operations, collecting shrimp seed (“Sea Safety: Reading the Perfect Storm” by Venkatesh Salagrama and D.S. Murty in *SAMUDRA Report* No. 32, July 2002). These were amongst the most vulnerable people in the area.

Similarly, in the December 2004 Indian Ocean tsunami, lives and livelihoods of gleaners, mostly women, collecting shells in the Buckingham canal near Chennai, were badly affected. Given the invisible nature of their work, these communities were initially even excluded from the relief and rehabilitation efforts.

Shore-based fishers, working as they do in tidal and inter-tidal areas, estuaries and coasts, are also victims of the growing levels of pollution in the coastal zone. For example, due to the high levels of pollution in the Uppanar river and estuary in Cuddalore district,

would be in order for the government to ensure that this marginalized segment also derives social-security benefits from any legislation that might be adopted towards implementing the Work in Fishing Convention, 2007.

In this context, the welfare schemes, including social security, of two States—Kerala and Tamil Nadu—merit greater attention. Tamil Nadu, for example, has a group accident insurance scheme for fisherwomen (State scheme). Tamil Nadu has also extended the savings-cum-relief scheme to fisherwomen, a long-standing demand of many women’s groups. The Kerala Fishermen’s Welfare Fund Board implements about 21 welfare schemes for fishermen and nine schemes for allied workers. Significantly, there are several schemes for fisherwomen and wives of fishermen. Another innovative scheme is the Allied Workers Welfare Scheme that aims to induct workers engaged in fishery-related activities as ‘members’ of the welfare fund. There are nine schemes for Allied Workers, including a Group Accident Insurance Scheme, old-age pension, and a maternity-benefit scheme for women workers, cash awards and scholarships for school-leaving children, financial assistance for treatment of fatal diseases of allied workers, financial assistance for the marriage of daughters of allied workers, and a widow pension scheme.

The possibility of introducing or strengthening these schemes in other coastal States, ensuring that any gaps in coverage of shore-based fishers is addressed, should be considered. It would also be useful to examine and replicate, as appropriate, the few social security-related initiatives taken by shore-based fishers themselves, and support organizations. For example, in the black clam fisheries of Vembanad, Kerala, there are seven black clam shell co-operative societies established with a view to organize the clam fishers and the black clam shell trade.

### Hand dredging

Most of the fishers are women who dive and pick the clams, or rake them up from a canoe with a hand dredge locally known as *kolli* or *varandi*. The clams are directly sold to the co-

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Tamil Nadu, cases of skin disease and even chemical burns have been reported, forcing fishers to stop fishing due to their failing health.

The linked issue of social security for shore-based fishers also needs to be examined. While no reliable data is available, it appears that shore-based fishers, other than the fishers who are involved in shore- or beach-seining operations, are, by and large, not covered by government schemes for fishers in States where such schemes exist. It

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operatives, which, in turn, sell them to the lime, pharmaceutical and cement industries. During the off-season, during the southwest monsoon months of June and July, one of these co-operatives provides financial assistance to fishers based on their catch output. Each fisher can avail 2 kg of rice per tin of clams sold to the society, and a loan for the purchase of provisions, during the lean season. The co-operatives play a significant role in the welfare and development of these fishers by providing them financial assistance for various activities.

In the wake of the adoption of ILO's Work in Fishing Convention, 2007, which can go a long way in improving conditions of work in the fishing sector worldwide, it is to be hoped that the Indian government enacts appropriate legislation, after due consultation, ensuring coverage of all significant categories of fishers. Extending provisions of occupational health and safety, and social security to those engaged in shore-based fishing operations, would do justice to women in fishing, in particular. ¶



Shoe *dhoni*, a traditional fishing craft found in the south Indian State of Andhra Pradesh

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