



PROPOSED CONCLUSIONS

The following Proposed Conclusions have been prepared on the basis of the replies summarized and commented upon in this report. They take into account views expressed at the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector (2-4 September 2003). They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference at its 92nd Session in 2004 of the fifth item on the agenda – a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector.

Some differences in drafting will be found between the Proposed Conclusions and the Office questionnaire that are not explained in the Office commentaries. These differences are due to concern both for concordance between the various languages and for the terminology to be adapted, as far as possible, to that already used in existing instruments. Where possible, the Office has also sought to ensure that the language used is consistent with that used in the preliminary second draft of the consolidated maritime labour Convention (CMLC), bearing in mind that differences might cause difficulties for some States.

The Proposed Conclusions do not necessarily follow the format of the questionnaire, as their structure was decided in light of the replies from member States and taking into account the views expressed by the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector. The various elements of the questionnaire have been arranged in comprehensive points and paragraphs to be included in the Proposed Conclusions with a view to a Convention and its accompanying Recommendation.

A. Form of the international instruments

1. The International Labour Conference should adopt international standards concerning work in the fishing sector.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Proposed Conclusions with a view to a Convention and a Recommendation

Preamble

3. The Preamble should provide that the objective of the proposed instruments is to help ensure that fishers have decent conditions for work on board fishing vessels with regard to: minimum requirements for work on board; conditions of service; accommodation and food; health protection, medical care and social security.

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C. Proposed Conclusions with a view to a Convention

4. The Proposed Conclusions with a view to a Convention should contain the following provisions.

PART I. DEFINITIONS AND SCOPE

Definitions

5. For the purposes of the Convention:

- (a) “competent authority” means any authority having power to issue regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned or entrusted with responsibility under the Convention;
- (b) “consultation” means consultation by the competent authority with the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist, on the measures to be taken to give effect to the provisions of the Convention and with respect to any derogation, exemption or other flexible application of the Convention; [modified: C. 159, Art. 5; C. 161, Art. 4; C. 160, Art. 3; preliminary second draft of the CMLC, Art. VII]
- (c) “fisher” means every person employed or engaged in any capacity on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch. It excludes pilots, naval personnel and other persons in the permanent service of a government; [modified C. 114, Art. 2]
- (d) “fisher’s work agreement” means a contract of employment, articles of agreement or other similar arrangements and any other contract governing the terms of a fisher’s work on board a vessel;
- (e) “fishing vessel” or “vessel” means any ship or boat, of any nature whatsoever, whether publicly or privately owned, used or intended to be used for the purposes of commercial fishing; [modified: C. 112, Art. 1(1); C. 113, Art. 1(1); C. 114, Art. 1(1)]
- (f) “gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention;
- (g) “recruitment and placement service” means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of employers or placing fishers with employers; [modified C. 179, Art. 1(1)(b)]
- (h) “skipper” means any person having command or charge of a fishing vessel. [C. 125, Art. 3(a)]

Scope

6. The Convention applies to all vessels engaged in commercial fishing operations.

7. In the event of doubt as to whether a vessel is engaged in commercial fishing, the question should be determined by the competent authority in each Member after consultation.

8. (1) The competent authority might, after consultation, exclude from the application of the Convention:

- (a) fishing vessels engaged in fishing operations in rivers and inland waters; and
- (b) limited categories of fishers or fishing vessels in respect of which special and substantial problems relating to application arise in the light of particular conditions of service of the fishers or the fishing vessel's operations.

(2) In the case of exclusions under the preceding paragraph the competent authority should take measures to progressively extend the protections under the Convention to those categories of fishers and fishing vessels. [modified: C. 138, Art. 4(1); C. 158, Art. 2(5); C. 184, Art. 3(1)(b)]

9. Each Member which ratifies the Convention should list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any categories of fishers or fishing vessels which might have been excluded in pursuance of *Point 8(1)*, and should give the reasons for such exclusion, stating the respective positions of the representative organizations of employers and workers concerned, in particular the representative organizations of fishing vessel owners and fishers, where they exist, and describing the measures taken to give adequate protection to the excluded categories. [modified: C. 155, Art. 2(3); C. 172, Art. 1(4)]

10. Each Member which ratifies the Convention should describe in subsequent reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization the measures taken with a view to extending progressively the provisions of the Convention to the excluded fishers and fishing vessels. [modified C. 184, Art. 3(2)]

PART II. GENERAL PRINCIPLES

Implementation

11. Each Member should implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under the Convention with respect to fishers and fishing vessels under its jurisdiction [preliminary second draft CMLC, Art. V(1)]. Other measures might include collective agreements, court decisions, arbitration awards or other means consistent with national law and practice.

Competent authority and coordination

12. Each Member should:

- (a) designate the competent authority or authorities; and
- (b) establish mechanisms for coordination among relevant authorities for the fishing sector at the national and local level, as appropriate, and define their functions and responsibilities, taking into account their complementarities and national conditions and practice.

PART III. MINIMUM REQUIREMENTS FOR WORK ON BOARD FISHING VESSELS

III.1. Minimum age

13. No person under the minimum age should work on board a fishing vessel.

14. The minimum age at the time of the initial entry into force of this Convention is 16 years. [modified: C. 180, Art. 12; C. 138]

15. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health and safety of young persons, should not be less than 18 years. [modified: C. 184, Art. 16; C. 138, Art. 3]

16. The types of employment or work to which *Point 15* applies should be determined through consultation, taking into account the risks concerned and the applicable international standards. [modified C. 184, Art. 16]

17. The competent authority might, after consultation, authorize the performance of work referred to in *Point 15* as from 16 years of age, on condition that the health and safety of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training. [modified: C. 184, Art. 16; C. 138, Art. 3]

III.2. Medical examination

18. No person should work on board a fishing vessel unless they have valid medical certificates attesting that they are medically fit to perform their duties. [modified C. 113, Art. 2].

19. The competent authority might, after consultation, grant exemptions from the application of the preceding point in respect of vessels which do not normally undertake voyages of more than [] days. [modified C. 113, Art. 1(2)]

20. Members should adopt laws or regulations or other measures providing for the following: [main concepts of C. 113]

- (a) nature of medical examinations;
- (b) form and content of medical certificates;
- (c) qualifications of the medical practitioner who signs the medical certificate;

- (d) frequency of medical examinations and the period of validity of medical certificates;
- (e) appeal procedures in the event that a person has been refused a certificate or has had limitations imposed on the work he or she might do; and
- (f) other relevant requirements.

PART IV. CONDITIONS OF SERVICE

IV.1. Manning and hours of rest

21. Members should adopt laws or regulations or other measures requiring that owners of fishing vessels flying their flag ensure that their vessels are sufficiently and safely manned and under the control of a competent skipper.

22. Members should adopt laws or regulations or other measures requiring that owners of fishing vessels that fly their flag ensure that fishers are given rest periods of sufficient frequency and duration for the safe and healthy performance of their duties.

IV.2. Fishers' work agreements and list of persons on board

23. Each Member should adopt laws or regulations or other measures requiring that fishers working on vessels flying their flag have a fisher's work agreement that is consistent with the provisions of this Convention. [modified preliminary second draft of CMLC]

24. Each Member should adopt laws or regulations or other measures regarding:
- (a) procedures for ensuring that a fisher has an opportunity to review and seek advice on the terms of the fisher's work agreement before it is concluded;
 - (b) maintenance of records concerning the fisher's work under such an agreement;
 - (c) the means of settling disputes in connection with such an agreement. [modified C. 114]

25. Each Member should adopt laws or regulations or other measures specifying the minimum particulars to be included in fishers' work agreements in accordance with the provisions contained in Annex I. [main principle of C. 114]

26. A copy of the fisher's work agreement should be carried on board and should be available for review by the fisher and other concerned personnel. [modified C. 114, Art. 7]

27. Every fishing vessel should carry a list of the fishers on board, a copy of which should be provided to appropriate persons ashore prior to or shortly after departure of the vessel. [new provision]

IV.3. Identity documents, repatriation rights and recruitment and placement services

28. Fishers working on board fishing vessels that undertake international voyages should enjoy treatment no less favourable than that provided to seafarers working on

board vessels flying the flag of the Member and ordinarily engaged in commercial activities with respect to:

- (a) identity documents;
- (b) repatriation conditions;
- (c) recruitment and placement services.

PART V. ACCOMMODATION AND FOOD

29. Members should adopt laws or regulations or other measures with respect to accommodation, food and potable water on board for fishing vessels that fly their flag.

30. Members should adopt laws or regulations or other measures requiring that accommodation on board fishing vessels that fly their flag should be of sufficient size and quality and should be appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures should address, as appropriate, the following issues: [main concepts of C. 126]

- (a) approval of plans for the construction or modification of fishing vessels in respect of accommodation;
- (b) maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions;
- (c) ventilation, heating, cooling and lighting;
- (d) mitigation of excessive noise and vibration;
- (e) location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;
- (f) sanitary facilities, including water closets and washing facilities, and supply of sufficient hot and cold water; and
- (g) procedures for responding to complaints concerning sub-standard accommodation.

31. The food carried and served on board fishing vessels should be of an appropriate quantity, nutritional value and quality for the service of the vessel and potable water should be of sufficient quantity and quality.

PART VI. HEALTH PROTECTION, MEDICAL CARE AND SOCIAL SECURITY

VI.1. Medical care

32. Members should adopt laws or regulations or other measures requiring that: [concepts drawn from C. 126 and C. 164]

- (a) fishing vessels should carry appropriate medical equipment and medical supplies for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage;

- (b) medical equipment and supplies carried on board should be accompanied by instructions or other information in a language and format understood by the fishers concerned;
- (c) fishing vessels should have at least one person on board who is qualified or trained in first aid and other forms of medical care, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (d) fishing vessels should be equipped for radio or satellite communication with persons or services ashore that can provide medical advice;
- (e) fishers should have the right to medical treatment ashore and to be taken ashore in a timely manner for treatment in the event of serious injuries or illnesses.

33. The standards for medical care on board fishing vessels undertaking international voyages or remaining away from land for a period prescribed by the competent authority should be no less favourable than those provided to seafarers on ships of a similar size ordinarily engaged in commercial activities.

VI.2. Occupational safety, health and accident prevention [parts taken from the second preliminary draft CMLC]

34. Each Member should adopt laws or regulations or other measures concerning:

- (a) the measures to be taken for the prevention of occupational accidents on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;
- (b) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of safety and health of fishers under 18 years of age;
- (c) the reporting and investigation of accidents on board fishing vessels flying its flag.

VI.3. Social security

35. Each Member should ensure that fishers are entitled to benefit from social security protection on conditions no less favourable than those applicable to other workers.

36. With regard to the principles of equality of treatment and the maintenance of social protection rights, Members should adopt measures that take into account the situation of non-national fishers.

VI.4. Protection in the case of work-related sickness, injury, or death

37. Each Member should take measures to provide fishers with protection for work-related sickness, injury or death determined in accordance with national laws or regulations or practice.

38. Taking into account the characteristics within the fishing sector, the protection referred to in the preceding point might be ensured through:

- (a) a system for fishing vessel owners' liability; or
- (b) compulsory insurance, workers' compensation or other schemes.

PART VII. COMPLIANCE AND ENFORCEMENT

39. Each Member should exercise effective jurisdiction and control over vessels that fly its flag by establishing a system for ensuring compliance with the standards of the Convention including, as appropriate: inspections; reporting; monitoring; appropriate penalties and corrective measures, in accordance with national laws or regulations. [modified preliminary second draft CMLC, Art. V(2)]

40. Fishing vessels that operate internationally should be required to undergo a documented periodic inspection of living and working conditions on board the vessel.

41. (1) The competent authority of the Member should appoint a sufficient number of qualified inspectors to fulfil its responsibilities under *Point 39*.

(2) Each Member should be responsible for inspection of the on-board living and working conditions of fishers on ships that fly its flag, whether such inspections are carried out by public institutions or other competent bodies.

42. A Member that has ratified the Convention might inspect a fishing vessel flying the flag of another State when the vessel is in its port in order to determine whether the vessel is in compliance with the standards of the Convention relating to living and working conditions of fishers on board.

43. Members should apply the Convention in such a way as to ensure that the fishing vessels of States that have not ratified the Convention do not receive more favourable treatment than the ships that fly the flag of Members that have ratified it.

ANNEX I [TO THE PROPOSED CONVENTION]

Fisher's work agreement [based on C. 114, Art. 6, with additions]

The fisher's work agreement should contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations:

- (a) the fisher's family name and other names, date of birth or age and birthplace;
- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels on board which the fisher undertakes to serve;
- (d) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (e) the capacity in which the fisher is to be employed or engaged;
- (f) if possible, the place at which and date on which the fisher is required to report on board for service;
- (g) the scale of provisions to be supplied to the fisher, unless some alternative system is provided for by national law;

- (h) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, 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;
- (i) the termination of the agreement and the conditions thereof, that is to say:
 - if the agreement has been made for a definite period, the date fixed for its expiry;
 - if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher should be discharged;
 - if the agreement has been made for an indefinite period, the conditions which should entitle either party to rescind it, as well as the required period of notice for rescission; provided that such period should not be less for the owner of the fishing vessel than for the fisher;
- (j) the insurance that will cover the fisher in the event of death, injury or illness in connection with their work on board the vessel; and [new provision]
- (k) any other particulars which national law might require. [new provision]

D. Proposed Conclusions with a view to a Recommendation

PART I. CONDITIONS FOR WORK ON BOARD FISHING VESSELS

1.1. Protection of young persons

44. Members should establish the requirements for the prior training of persons between 16 and 18 years of age working on board fishing vessels, taking into account international instruments concerning training for work on board fishing vessels, including occupational safety and health issues such as: night work, hazardous tasks, work with dangerous machinery, manual handling and transport of heavy loads, work in high latitudes, work for excessive periods of time and other relevant issues identified after an assessment of the risks concerned.

45. The training of persons between 16 and 18 years of age might be provided through participation in an apprenticeship or approved training programme, which should operate under established rules and be monitored by the competent authority and should not interfere with the person's general education. [drawn from a concept in C. 112]

46. Members should take measures to ensure that the safety, lifesaving and survival equipment carried on board fishing vessels carrying persons under the age of 18 is appropriate for the young persons concerned.

1.2. Medical examination

Nature of medical examination and content of medical certificate

47. When prescribing the nature of the examination, Members should pay due regard to the age of the person to be examined and the nature of the duties to be performed.

48. In particular, the medical certificate should attest that the person is not suffering from any disease likely to be aggravated by or to render them unfit for service on board a fishing vessel or likely to endanger the health of other persons on board.

Medical certificate

49. The certificate should be signed by a medical practitioner approved by the competent authority.

Period of validity of the medical certificate

50. In the case of young persons of less than 21 years of age, the medical certificate should remain in force for a period not exceeding one year from the date on which it was granted.

51. In the case of persons who have attained the age of 21 years, the competent authority should determine the period for which the medical certificate should remain in force.

52. If the period of validity of a certificate expires in the course of a voyage, the certificate should continue in force until the end of that voyage.

Right to administrative appeal

53. Arrangements should be made to enable a person who, after examination, is determined to be unfit for work on board fishing vessels, or on board certain types of vessels, or for certain types of work on board vessels, to apply for a further examination by a medical referee or referees who should be independent of any fishing vessel owner or of any organization of fishing vessel owners or fishers.

International guidance

54. Competent authorities should take into account international guidance on medical examination and certification of persons working at sea, such as the ILO/WHO *Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers*.

Special measures

55. For fishers exempted from the application of the provisions concerning medical examination in the Convention, the competent authority should take alternative adequate measures to provide health surveillance for the purpose of occupational safety and health.

1.3. Competency and training

56. Members should:

- (a) ensure that competencies required for skippers, mates, engineers and other persons working on board fishing vessels take into account generally accepted international standards concerning training and competencies of fishers;

- (b) address, with regard to the vocational training of fishers, the issues of: national planning and administration, including coordination; financing and training standards; training programmes, including pre-vocational training and short courses for working fishers; methods of training; and international cooperation;
- (c) ensure that there is no discrimination with regard to access to training.

PART II. CONDITIONS OF SERVICE

Record of service

57. At the end of each voyage, a record of service in regard to that voyage should be available to the fisher concerned or entered in their service book.

Special measures

58. For fishers excluded from the scope of the Convention, the competent authority should take measures to provide them with adequate protection with respect to their conditions of work and with means of dispute settlement.

PART III. HEALTH PROTECTION, MEDICAL CARE AND SOCIAL SECURITY

III.1. Medical care on board

59. The competent authority should establish the list of medical supplies and equipment to be carried on fishing vessels appropriate to the risks concerned.

60. Fishing vessels carrying 100 or more fishers and ordinarily engaged in international voyages of more than three days' duration should carry a qualified medical doctor.

61. Fishers should receive training in basic first aid in accordance with national laws and regulations, taking into account applicable international instruments.

62. There should be a standard medical report form specially designed to facilitate the confidential exchange of medical and related information concerning individual fishers between the fishing vessel and the shore in cases of illness or injury.

III.2. Occupational safety and health

63. In order to contribute to the continuous improvement of safety and health of fishers, member States should have in place programmes for the prevention of accidents on board fishing vessels which should, inter alia, provide for the gathering and dissemination of occupational health and safety materials, research and analysis.

64. Information concerning particular hazards should be brought to the attention of all fishers and other persons on board through official notices containing instructions or guidance on such hazards or other appropriate means.

65. When establishing methods and programmes concerning safety and health of fishers, the competent authority should take into consideration technological progress and knowledge in the field of occupational safety and health, as well as relevant international instruments.

Technical specifications

66. Members should, to the extent practicable and as appropriate to the conditions in the fishing sector, address the following:

- (a) seaworthiness and stability of fishing vessels;
- (b) radio communications;
- (c) temperature, ventilation and lighting of working areas;
- (d) mitigation of the slipperiness of deck surfaces;
- (e) machinery safety, including guarding of machinery;
- (f) vessel familiarization for fishers or fisheries observers new to the vessel;
- (g) personal protective equipment;
- (h) fire-fighting and lifesaving;
- (i) loading and unloading of the vessel;
- (j) lifting gear;
- (k) anchoring and mooring equipment;
- (l) safety and health in living quarters;
- (m) noise and vibration in work areas;
- (n) ergonomics, including in relation to the layout of workstations and manual lifting and handling;
- (o) equipment and procedures for the catching, handling, storage and processing of fish and other marine resources;
- (p) vessel design, construction and modification relevant to occupational safety and health;
- (q) navigation and vessel handling;
- (r) hazardous materials used on board the vessel;
- (s) safe means of access to and exit from fishing vessels in port;
- (t) special safety and health requirements for young persons;
- (u) prevention of fatigue;
- (v) other issues related to safety and health.

Occupational safety and health management systems

67. (1) When establishing methods and programmes concerning safety and health in the fishing sector, competent authorities should take into account any relevant international guidelines concerning occupational safety and health management systems, including the ILO's *Guidelines on occupational safety and health management systems*.

(2) Risk evaluation in relation to fishing should be conducted as appropriate, with the participation of fishers or their representatives.

68. Members should establish a list of diseases known to arise out of exposure to substances or dangerous conditions in the fishing sector.

III.3. Social security

69. (1) Members should take measures to extend social protection progressively to all fishers.

(2) To this end, Members should maintain up-to-date information on the:

- (a) percentage of fishers covered;
- (b) range of contingencies covered; and
- (c) level of benefits.

70. The benefits referred to in *Point 37* of the Convention should be granted throughout the contingency. [drawn from C. 102, Art. 38 and C. 121, Art. 9(3)]

Common provisions

71. Every claimant should have a right of appeal in the case of refusal of the benefit or complaint as to quality and quantity of the benefit.

72. Members should take steps to secure the protection of foreign fishers, including by entering into agreements to that effect.

PART IV. OTHER PROVISIONS

73. In its capacity as a coastal State, a Member might require, when it grants licences for fishing in its exclusive economic zone, that fishing vessels comply with the standards of the Convention.

Annex II
[not currently attached to either the Convention or Recommendation]

Accommodation on board fishing vessels [modified from C. 126]

PART I. GENERAL PROVISIONS

1. The provisions of this annex should apply to fishing vessels [of more than 24.4 m in length].

2. This annex might be applied to vessels of [between 13.7 and 24.4 m] in length where the competent authority determines, after consultation, that this is reasonable and practicable.

3. In respect of vessels which normally remain away from their home ports for periods of less than 36 hours and in which the crew does not live permanently on board when in port, the provisions concerning the following do not apply:

- (a) lighting in paragraph 35 below;
- (b) sleeping rooms;
- (c) mess rooms;
- (d) sanitary accommodation;
- (e) sick bay;
- (f) space to hang oilskins;
- (g) cooking equipment and galley.

4. In the case of vessels referred to in paragraph 3 above, adequate sanitary installations as well as messing and cooking facilities and accommodation for resting are provided.

5. The provisions of Part III of this annex might be varied in the case of any vessel if the competent authority is satisfied, after consultation, that the variations to be made provide corresponding advantages as a result of which the overall conditions are no less favourable than those that would result from the full application of the provisions of the annex.

PART II. PLANNING AND CONTROL OF CREW ACCOMMODATION

6. Before the construction of a fishing vessel is begun, and before the crew accommodation of an existing vessel is substantially altered or reconstructed, detailed plans of, and information concerning, the accommodation should be submitted to the competent authority for approval.

7. The competent authority should inspect the vessel and satisfy itself that the crew accommodation complies with the requirements of the laws or regulations or other measures, on every occasion when:

- (a) a fishing vessel is registered or re-registered;
- (b) the crew accommodation of a vessel has been substantially altered or reconstructed; or
- (c) a complaint that the crew accommodation is not in compliance with the terms of this annex has been made to the competent authority in the prescribed manner and in time to prevent any delay to the vessel, by a recognized fishers' organization representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the vessel.

PART III. CREW ACCOMMODATION REQUIREMENTS

General accommodation standards [based on C. 126, Art. 6]

8. The location, means of access, structure and arrangement of crew accommodation in relation to other spaces should be such as to ensure adequate security, protection against weather and sea and insulation from heat or cold, undue noise or effluvia from other spaces.

9. Emergency escapes should be provided from all crew accommodation spaces as necessary.

10. Every effort should be made to exclude direct openings into sleeping rooms from fish holds and fish meal rooms, from spaces for machinery, from galleys, lamp and paint rooms or from engine, deck and other bulk store rooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads should be efficiently constructed of steel or other approved substance and should be watertight and gastight.

11. External bulkheads of sleeping rooms and mess rooms should be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced should be adequately insulated when there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care should also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

12. Internal bulkheads should be of approved material which is not likely to harbour vermin.

13. Sleeping rooms, mess rooms, recreation rooms and passageways in the crew accommodation space should be adequately insulated to prevent condensation or over-heating.

14. Main steam and exhaust pipes for winches and similar gear should, whenever technically possible, not pass through crew accommodation or through passageways leading to crew accommodation; where they do pass through such accommodation or passageways they should be adequately insulated and encased.

15. Inside panelling or sheeting should be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin should not be used.

16. The competent authority should decide to what extent fire prevention or fire retarding measures should be required to be taken in the construction of the accommodation.

17. The wall surface and deck heads in sleeping rooms and mess rooms should be easily kept clean and, if painted, should be light in colour; lime wash should not be used.

18. The wall surfaces should be renewed or restored as necessary.

19. The decks in all crew accommodation should be of approved material and construction and should provide a surface impervious to damp and easily kept clean.

20. Overhead exposed decks over crew accommodation should be sheathed with wood or equivalent insulation.

21. Where the floorings are of composition the joining with sides should be rounded to avoid crevices.

22. Sufficient drainage should be provided.

23. All practicable measures should be taken to protect crew accommodation against the admission of flies and other insects.

Noise and vibration [new provision, not from C. 126]

24. Noise and vibration in accommodation spaces should not exceed limits established by the competent authority taking into account international instruments.

Ventilation [based on C. 126, Art. 7]

25. Sleeping rooms and mess rooms should be adequately ventilated taking into account climatic conditions.

26. The system of ventilation should be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

27. Vessels regularly engaged on voyages in the tropics and other areas with similar climatic conditions should, as required by such conditions, be equipped both with mechanical means of ventilation and with electric fans, provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

28. Vessels engaged elsewhere should be equipped either with mechanical means of ventilation or with electric fans. The competent authority might exempt vessels normally employed in the cold waters of the northern or southern hemispheres from this requirement.

29. Power for the operation of the aids to ventilation required should, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Heating [based on C. 126, Art. 8]

30. An adequate system of heating the crew accommodation should be provided taking into account climatic conditions.

31. The heating system should, when practicable, be in operation at all times when the crew is living or working on board and conditions so require.

32. The heating system should be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the competent authority should prescribe the standard to be provided.

33. Radiators and other heating apparatus should be so placed and, where necessary, shielded and fitted with safety devices so as to avoid risk of fire or danger or discomfort to the occupants.

Lighting [based on C. 126, Art. 9]

34. All crew spaces should be adequately lighted. The minimum standard for natural lighting in living rooms should be such as to permit a person with normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard should be provided.

35. In all vessels electric lights should, as far as practicable, be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting should be provided by properly constructed lamps or lighting apparatus for emergency use.

36. Artificial lighting should be so disposed as to give maximum benefit to the occupants of the room.

37. Adequate reading light should be provided for every berth in addition to the normal lighting of the cabin.

38. A permanent blue light should, in addition, be provided in the sleeping room during the night.

Sleeping rooms [based on C. 126, Art. 10, reduced text]

39. Sleeping rooms should be situated amidships or aft; the competent authority might, in particular cases, if the size, type or intended service of the vessel renders any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the vessel but in no case forward of the collision bulkhead.

40. The floor area per person of sleeping rooms, excluding space occupied by berths and lockers, should not be less than:

- (a) in vessels of [13.7] metres but below [19.8] metres in length: [0.5] square metre;
- (b) in vessels of [19.8] metres but below [26.8] metres in length: [0.75] square metre;
- (c) in vessels of [26.8] metres but below [35.1] metres in length: [0.9] square metre;
- (d) in vessels of [35.1] metres in length or over: [1.0] square metre.

41. The clear head room in the crew sleeping room should, wherever possible, be not less than 1.90 m.

42. There should be a sufficient number of sleeping rooms to provide a separate room or rooms for each department.

43. The number of persons allowed to occupy sleeping rooms should not exceed the following maxima:

- (a) officers: one person per room wherever possible, and in no case more than two;
- (b) ratings: two or three persons per room wherever possible, and in no case more than the following:
 - (i) in vessels of [35.1] metres in length and over, four persons;
 - (ii) in vessels under [35.1] metres in length, six persons.

44. The competent authority might permit exceptions to the requirements of the preceding two paragraphs in particular cases if the size, type or intended service of the vessel make these requirements unreasonable or impracticable.

45. The maximum number of persons to be accommodated in any sleeping room should be legibly and indelibly marked in some place in the room where it can conveniently be seen.

46. Members of the crew should be provided with individual berths of adequate dimensions. Berths should not be placed side by side in such a way that access to one berth can be obtained only over another.

47. Berths should not be arranged in tiers of more than two; in the case of berths placed along the vessel's side, there should be only a single tier where a sidelight is situated above a berth.

48. The lower berth in a double tier should not be less than [0.30] metres above the floor; the upper berth should be placed approximately midway between the bottom of the lower berth and the lower side of the deck head beams.

49. The minimum inside dimensions of a berth should, wherever practicable, be 1.90 m by 0.68 m.

50. The framework and the lee-board, if any, of a berth should be of approved material, hard, smooth and not likely to corrode or to harbour vermin.

51. If tubular frames are used for the construction of berths, they should be completely sealed and without perforations which would give access to vermin.

52. Each berth should be fitted with a spring mattress of approved material or with a spring bottom and a mattress of approved material. Stuffing of straw or other material likely to harbour vermin should not be used.

53. When one berth is placed over another, a dust-proof bottom of wood, canvas or other suitable material should be fitted beneath the upper berth.

54. Sleeping rooms should be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

55. The furniture should include a clothes locker for each occupant, fitted with a hasp for a padlock and a rod for holding clothes on hangers. The competent authority should ensure that the locker is as commodious as practicable.

56. Each sleeping room should be provided with a table or desk which might be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

57. The furniture should be of smooth, hard material not liable to warp or corrode or to harbour vermin.

58. The furniture should include a drawer or equivalent space for each occupant which should, wherever practicable, be not less than 0.056 cubic metre.

59. Sleeping rooms should be fitted with curtains for the sidelights.

60. Sleeping rooms should be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

61. As far as practicable, berthing of crew members should be so arranged that watches are separated and that no day-worker share a room with watch keepers.

Mess rooms [based on C. 126, Art. 11]

62. Mess room accommodation separate from sleeping quarters should be provided in all vessels carrying a crew of more than ten persons. Wherever possible it should be provided also in vessels carrying a smaller crew. If, however, this is impracticable, the mess room might be combined with the sleeping accommodation.

63. In vessels engaged in fishing on the high seas and carrying a crew of more than 20, separate mess room accommodation might be provided for the skipper and officers.

64. The dimensions and equipment of each mess room should be sufficient for the number of persons likely to use it at any one time.

65. Mess rooms should be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.

66. Mess rooms should be as close as practicable to the galley.

67. Where pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing them should be provided.

68. The tops of tables and seats should be of damp-resisting material without cracks and easily kept clean.

69. Wherever practicable mess rooms should be planned, furnished and equipped to give recreational facilities.

Sanitary accommodation [based on C. 126, Art. 12]

70. Sufficient sanitary accommodation, including washbasins and tub or shower, should be provided in all vessels.

71. Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached should, wherever practicable, be provided for each department of the crew on the following scale:

(a) one tub or shower for every eight persons or less;

- (b) one water closet for every eight persons or less;
- (c) one washbasin for every six persons or less.

72. Cold fresh water and hot fresh water or means of heating water should be available in all communal wash places. The competent authority, after consultation, might fix the minimum amount of fresh water which should be supplied per person per day.

73. Washbasins and tub baths should be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

74. All water closets should have ventilation to the open air, independently of any other part of the accommodation.

75. The sanitary equipment to be placed in water closets should be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

76. Soil pipes and waste pipes should be of adequate dimensions and should be constructed so as to minimize the risk of obstruction and to facilitate cleaning. They should not pass through fresh water or drinking water tanks; neither should they, if practicable, pass overhead in mess rooms or sleeping accommodation.

77. Sanitary accommodation intended for the use of more than one person should comply with the following requirements:

- (a) floors should be of approved durable material, easily cleaned and impervious to damp and should be properly drained;
- (b) bulkheads should be of steel or other approved material and should be watertight up to at least 0.23 m above the level of the deck;
- (c) the accommodation should be sufficiently lighted, heated and ventilated.

78. Water closets should be situated convenient to, but separate from, sleeping rooms and washrooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access, provided that this requirement should not apply where a water closet is located between two sleeping rooms having a total of not more than four persons. Where there is more than one water closet in a compartment they should be sufficiently screened to ensure privacy.

79. Facilities for washing and drying clothes should be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

80. The facilities for washing clothes should include suitable sinks equipped with drainage, which might be installed in washrooms if separate laundry accommodation is not reasonably practicable. The sinks should be provided with an adequate supply of cold fresh water and hot fresh water or means of heating water.

81. The facilities for drying clothes should be provided in a compartment separate from sleeping rooms, mess rooms and water closets, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

Sick bay [based on C. 126, Art. 13]

82. Whenever possible, an isolated cabin should be provided for a member of the crew who suffers from illness or injury. On vessels of 45.7 m or over in length, there should be a sick bay.

Space to hang oilskins [based on C. 126, Art. 14]

83. Sufficient and adequately ventilated accommodation for the hanging of oilskins should be provided outside but convenient to the sleeping rooms.

Clean and habitable condition [based on C. 126, Art. 15]

84. Crew accommodation should be maintained in a clean and decently habitable condition and should be kept free of goods and stores which are not the personal property of the occupants.

Cooking equipment and galley [based on C. 126, Art. 16]

85. Satisfactory cooking equipment should be provided on board and should, wherever practicable, be fitted in a separate galley.

86. The galley should be of adequate dimensions for the purpose and should be well lit and ventilated.

87. The galley should be equipped with cooking utensils, the necessary number of cupboards and shelves, and sinks and dish racks of rust-proof material and with satisfactory drainage. Drinking water should be supplied to the galley by means of pipes. Where it is supplied under pressure, the system should contain protection against backflow. Where hot water is not supplied to the galley, an apparatus for heating water should be provided.

88. The galley should be provided with suitable facilities for the preparation of hot drinks for the crew at all times.

89. A provision storeroom of adequate capacity should be provided which can be kept dry, cool and well ventilated in order to avoid deterioration of the stores. Where necessary, refrigerators or other low-temperature storage space should be provided.

90. Where butane or propane gas is used for cooking purposes in the galley the gas containers should be kept on the open deck.

PART IV. APPLICATION TO EXISTING SHIPS [BASED ON C. 126, ART. 17]

91. The requirements of this annex should apply to fishing vessels constructed subsequent to the coming into force of the proposed Convention for the Member concerned.

ANNEX I

Report of the Tripartite Meeting of Experts on Labour Standards
for the Fishing Sector

ICSF
FOR DIGITIZATION
DATE: 23/11/2018