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Proposed ILO Standards for Fish Workers :

A Handbook for Trade Unions



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Contents

Introduction..... 3

What is the Importance of the fishing sector in the Indian economy?..... 3

How many people are working in fishing sector?..... 3

Why do we need an ILO convention for fishing sector?..... 4

What is the Proposed ILO Convention on Labour standards for fishing sector? . 4

Who will benefit from the new standards?..... 5

How will the new standards be enforced? 5

Why could the ILO convention on fishing sector not be adopted so far? 5

What can trade unions do in this context?..... 6

Concrete Steps That Trade Unions Should Take..... 7

Introduction

The 92nd Session of the International Labour Conference (ILC), discussed the issue of a new fishing standard. This new fishing standard proposed to potentially cover more than 90 per cent of fishworkers world over, as against the 10 per cent the existing seven conventions cover.

At the 93rd Session of the ILC, when the proposed Convention and Recommendation came up for final record vote, the required quorum of 297 could not be attained for lack of just one vote. This was despite the fact that there were 288 votes -- an overwhelming majority -- for the draft Convention, and just eight against. The ILC has now asked the Governing Body to place a corresponding Item on the agenda of the 96th Session of the Conference in 2007, and that the report submitted to the Conference plenary be used for further consideration.

What is the Importance of the fishing sector in the Indian economy?

India is now the third largest producer of fish in the world, and second largest producer of fresh water fish in the world. According to the Annual Report of the ministry of Agriculture, during the year 2003-2004, the total fish production was 63.99 lakh tonnes. The fish seed production was 19,173 (provisional) million fry during the same year.

During 2002-03, the country exported 5.21 lakh tonnes of marine products valued at Rs. 6793.05 crore. It contributes 1.1 per cent of the total GDP and 5.4 per cent of the GDP from agriculture sector during 2003-04.

The Fisheries sector occupies a key place in the socio-economic development of India. It is a source of livelihood for a large section of economically and socially backward population of the country. It stimulates growth of a number of subsidiary industries, further generating employment opportunities. It forms a major traditional source of economical and nutritious food.

How many people are working in fishing sector?

About 35 million people worldwide, including an estimated 27 million people who work in capture fishing (including full-time, part-time and occasional fishers) are engaged in the fishing sector. Vast majority of these are from developing countries (Asia, 83 per cent, Africa 9 per cent and South America, 2.5 per cent).

According to Food and Agricultural Organisation (FAO) the total employment generated by the fisheries sector in India is as follows:

Estimated employment (2003):	
Primary sector: Total adult fisher population:	8.7 million
Full time fisher folk:	0.93 million

Part time:	1.07 million
Ancillary activities (net making, processing, fish vending and others):	3.96 million
Total	14,66 million
Trade (2004):	
Value of imports:	US\$ 47,261,000
Value of exports:	US\$ 1,365,495,000

Why do we need an ILO convention for fishing sector?

Workers in the fishing sector are labouring under poor working conditions without any social security entitlement all over the world. A vast majority of these workers are engaged in small scale and artisanal fishing. Fishworkers mostly work under informal employment relationships, which excludes them from existing labour laws.

The existing regulating mechanisms adopted in the respective nation states are not adequately addressing the specific issues of hours of work, occupational safety, work agreements, social security, sanitary accommodation, protection of young persons etc.

Fishing is considered as one of the most hazardous occupations in the world. There have been significant changes in the employment conditions in the fishing sector followed by the technological innovations in fishing and navigation. This has intensified the work with consequent effect on

occupational safety and health of the crews.

This has invited the attention of the International Labour Organisation (ILO) to shift the focus of employment in the fishing sector from 'maximum employment' to sustainable employment' and propose a comprehensive convention on the labour standards for people working on both large and small fishing vessels.

What is the Proposed ILO Convention on Labour standards for fishing sector?

There were five existing conventions set by ILO pertaining to Minimum age, medical Examination, Articles of Agreement, Accommodation and competency certificates as well as two recommendations pertaining to vocational training and hours of work for persons working in the fishing vessels till 2004. ILO in its 92nd session, held in 2004, proposed a convention supplemented by recommendations with regard to Minimum age, Medical examination, Manning and hours of rest, Work agreement for fishers, Identity documents, Occupational safety and health and Social security for seafarers and fishers. The 93rd session, held in 2005 proposed standards of occupational safety and health, conditions of work, minimum requirement of work, medical examination, conditions of service, work agreement and social security for all fishers and fishing

vessels engaged in commercial fishing operations. The conventions also proposed some recommendations with reference to protection of young persons, medical examination, competency and training, sleep room, mess rooms, sanitary accommodation and occupational safety and health. The convention was not adopted, however the recommendation was adopted. The ILC 96th session to be held in 2007 proposes to place 'work in the fishing sector' as an item based on the report of the committee on the fishing sector of the 93rd session.

"It is clearly important that no fisher slips inadvertently through the protective net of the Convention", ILO Director-General Juan Somavia said. "For the 35 million fishers in the world - most of whom are now excluded from coverage by existing labour standards - it will mean conditions of work that will enable them to continue to earn a living in decent conditions and in safety."

Who will benefit from the new standards?

The new instrument will provide protection to more than 90 per cent of the world's fishers, in line with the ILO's goal of ensuring Decent Work for all. Existing Conventions cover only about 10 per cent of the fish workers. New labour standards would also take into account the difficult working conditions in the sector as a whole, fishers working on smaller vessels in coastal waters and

those working on larger vessels operating for longer periods at sea.

For a country like India the convention is of particular relevance as it will specifically address the issues of women and *dalit* fishworkers who are socially and economically marginalised sections of the society.

How will the new standards be enforced?

The member State under whose flag the vessel sails would retain primary responsibility for the implementation of the standard through national laws and regulations. Specific provisions of the proposed instrument also clarify the role of fishing vessel owners and skippers in ensuring that these requirements are met. An innovation foreseen in the standard is the inclusion of a provision that would promote intervention by port States when conditions aboard fishing vessels visiting their ports are found to be clearly unsafe or unhealthy.

Why could the ILO convention on fishing sector not be adopted so far?

Convention on Labour standards for fishing sector is proposed to be placed in the 96th session of the ILC in 2007. The ILO governing body placed this item on the agenda of the 96th session of the conference with a view to the adoption of a Convention supplemented by a Recommendation. There have been

considerable efforts in the 92nd and 95th ILC meetings held in 2004 and 2005 respectively to revise the existing conventions and establish comprehensive standards for fish workers pertaining to their conditions of work, occupational safety and health and social security. However, the conventions as proposed in the ILC were not adopted due to lack of quorum of session as many countries abstained from voting. The proposed conference will revise the Recommendations concerning work in the fishing sector, adopted in the 93rd session.

What is the Government of India's Position on this convention?

Indian Government abstained from voting in the ILC in June 2005. They felt that the draft Convention was difficult to implement and that the proposed Convention did not adequately address the concerns of the small fishermen who form bulk of the fishing sector in India.

However, trade unions and organisations of fishworkers in India have been supporting the ILO convention. They support that the national legislation that will follow the ratification of this ILO convention, will address working and living conditions of Indian

Fishworkers working in large and small fishing vessels and also the concerns of those who stay on board for larger periods and in the waters of other national jurisdictions.

What can trade unions do in this context?

The trade unions, concerned civil society organisations and organisations of fish workers should see the proposed conventions as a positive step towards furthering the agenda of setting standards for working conditions, occupational safety and health, social security and other provisions for workers engaged in pre and post fish harvesting. ILO, being a tripartite body, the governments of member States, trade unions and the employers' associations are eligible to contribute to the preparation of the new standard. As a social partner, it is therefore, an important mechanism by which concerned labour support organisations, trade unions and other social groups can intervene and address the issues related to the condition of work in the fishing sector.

It is imperative in this context to generate an opinion on the pertinence of the convention to be adopted in the forthcoming ILC in 2007.

Concrete Steps That Trade Unions Should Take

I. In India

- ✓ **Influence the Indian government to vote in favour of the convention**
- ✓ **Raise this issue at the Standing labour committee**
- ✓ **Influence party MPs to raise the issue in the Parliament**

II. At Geneva

- ✓ **Vote as a country representative in favour of the convention**
- ✓ **Influence the affiliates of International Trade Union Confederation (ITUC) and World Federation of Trade Unions (WFTU) from other countries to vote in favour of the convention**

