

ILO/Labour**Gender Focus**

This piece excerpts the references to women/gender in discussions in the Committee on the Fisheries Sector on the agenda item on labour standards in the fishing sector at the recently held International Labour Conference. It has been compiled by the ICSF Secretariat.

The fifth item on the agenda of the 92nd session of the International Labour Conference (ILC), held in June 2004, was on “Work in the fishing sector: A discussion with a view to the Adoption of a Comprehensive Standard (a Convention supplemented by a Recommendation)”.

The new standard was discussed with a view to revising the seven existing ILO instruments applicable to the fishing sector—five Conventions and two Recommendations. It is worth noting that these ILO fishing labour standards were adopted a long time ago, in 1920, 1959 and 1966, and are not, therefore, reflective of the changes that have since taken place in fishing operations. Moreover, the level of ratifications of these instruments has been low.

The Conclusions adopted by the Committee on the Fisheries Sector at the ILC aim to reach, for the first time, the majority of the world’s fishers, including those on board small fishing vessels, including on rivers and inland waters. They also aim to provide protection to the self-employed, including to those who are paid in a share of the catch. They are to apply to all fishers and fishing vessels engaged in commercial fishing operations, defined as all fishing operations, including fishing operations on rivers and inland waters, with the exception of subsistence fishing and recreational fishing.

Certain categories of fishers and fishing vessels may be exempted from the requirements of the Convention, where the application is considered to be impracticable. However, such exclusions could occur only after consultation with the representative organizations of fishing vessel owners and fishers. The proposed standards also aim to include issues related to occupational safety and health, and social security—issues that have not so far been addressed.

During discussions in the Committee on the Fisheries Sector several delegates raised issues related to women and to small-scale fishing. Some of these discussions, as contained in the Provisional Record of the session, are summarized below.

During the Introduction, the Chairperson “recalled that the purpose of this first consideration of a new comprehensive standard was to strengthen decent work in the fishing sector, to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and humanity.” He also pointed to the challenging task ahead: “to prepare a standard that did justice to the great diversity of the sector, the many types and sizes of vessels, the variety of fishing operations, and the different levels of development in the States concerned.”

During the General Discussion, several members referred to the importance of bringing small-scale family-run fishing operations, accounting for most workers in the sector, under the coverage of the standards. The Government Member from Canada pointed to the necessity of developing international labour standards specific to the fishing sector with particular focus on occupational safety and health, and emphasized that the text should provide strong protection for fishers and be flexible enough to accommodate diverse operations, conditions and employment relationships.

Part I. Definitions and scope*Definitions, Clause 5 (c)*

With reference to the definition of “fisher”, the Government member of Brazil, speaking also on behalf of the Government member of Chile, introduced an amendment to add, at the beginning of clause (c), the following phrase: “without prejudice to the provisions of national legislation, for the purposes of this Convention,”. This amendment addressed a possible exclusion from protection of fishers, who were not working aboard ships. According to Brazilian legislation, workers working in aqua farming, as well as persons catching crabs in swamps or picking oysters were also considered fishers. These were currently not covered by the Office text, since presence aboard a fishing vessel was a strict requirement. 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” (para 149).

The Government member of Norway understood the concerns of the Government members of Brazil and Chile, but 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 fisher, Norway did not support it. Member States could, in any case, extend the protection to other types of workers, if they so wished (para 150). The Norwegian position was supported by several other Government members, including Greece and Germany. The Employer and Worker Vice-Chairpersons expressed sympathy with the reasons for the proposed amendment, but said they could not support it.

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.

Following this, the Government member of Argentina submitted an amendment, seconded by the government member of Brazil, to insert the words “man or woman” after the word “person” in clause (c) on definition of “fisher”. This was done because the concept of gender did not appear anywhere, and they felt it important for issues such as accommodation, to consider that the vessel could be carrying women as well as men (para 161).



The Government member of Brazil added that, besides the question of arrangements on board, very real problems, such as sexual harassment on board fishing vessels, needed to be addressed (para 162).

However, this amendment was opposed by several Government members and by the Employer and Worker Vice-Chairpersons, given that after lengthy discussions it had been agreed that the term “fisher” was a term that would cover both men and women. The Government member of Germany also opposed the amendment, noting that specific issues related to the situation of women could be taken into account elsewhere in the text. The amendment was withdrawn.

Part III. Minimum requirements for work on board fishing vessels

Part III.2. Medical Examination

The Government members of Argentina, Brazil and Chile submitted an amendment to Point 20, clause (a), to add after the word “examinations” the words, “also considering gender issues”. The Government member of Chile explained that provisions on medical examinations should take into account gender issues (para 424).

However, the Employer Vice-Chairperson rejected the amendment given that the Committee had earlier agreed that “fisher” comprised men and women. The Government member of France considered the amendment unjustified and pointed out that it was up to the doctor to check the aptitude for work of both men and women. It was further pointed out that such an amendment would set a precedent for every ILO Convention concerning aptitude for work. The Government member of Chile subsequently withdrew the amendment.

Part IV. Conditions of service

IV.1 Manning and hours of rest

The worker members submitted an amendment to replace the title “Manning” with “Crewing/manning” (para 459). It was explained that this was to provide a more gender-neutral terminology. The proposal was to use “crewing/manning”, a more inclusive term, in the title while keeping “manning” in the substantive provisions, because of its legal significance. This was opposed by the Employer Vice-Chairperson, who considered that “manning” meant “resourcing the

vessel”. It was also pointed out that the Committee had already decided not to use the term “crew member” for fisher. Following opposition from other Government members the amendment was withdrawn.

Part VI. Health protection, medical care and social security

VI.1 Medical Care

The Worker member from the United Kingdom introduced an amendment to replace in clause (a) the word “appropriate” by “specified”; add “, including women’s sanitary protection and discreet and environmentally friendly disposal units,” after the word “supplies”; and to add “and applicable international standards” after the word “voyage”, to be proactive in protecting the health of women fishers (para 610).

The Employer Vice-Chairperson further proposed a subamendment to add the words “and gender” to the original text of the paragraph, as follows: “taking into account the number and gender of fishers on board”.

However, the Employer’s proposal was opposed by the Government member of Germany as it narrowed the scope of the text too much. It was stated that this was not an occasional medical problem, but a regular day-to-day issue of personal hygiene. She therefore fully supported the Workers’ amendment. The amendment was also supported by the Government members of Argentina, Brazil, Chile, France, Guatemala, Mexico, Spain and Venezuela.

The Government member of Greece considered the second part of the amendment too detailed and subamended it to have it placed in the Recommendation, the position to be recommended by the Drafting Committee. It was a health not a medical issue. The Government member of the United Kingdom seconded this. The amendment was finally adopted as subamended by the Government member of Greece.

Part D (Proposed Conclusions with a view to a Recommendation, Part III. Health protection, medical care and social security), para 60 thus states that “The competent authority should establish the list of medical supplies, including women’s sanitary protection and discreet environmentally friendly disposal units, and equipment to be carried on fishing vessels appropriate to the risks concerned.”