ITF FISHERIES SECTION

ITF FISHERIES POLICY

2025 EDITION

ITF Fisheries Policy
Adopted, ITF 46th Congress,
October 2024

THE INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF) IS A DEMOCRATIC, AFFILIATE-LED GLOBAL FEDERATION OF 670 TRADE UNIONS IN 147 COUNTRIES, REPRESENTING OVER 18 MILLION WORKING MEN AND WOMEN IN ALL TRANSPORT SECTORS. THE ITF PASSIONATELY CAMPAIGNS FOR TRANSPORT WORKERS' RIGHTS, EQUALITY AND JUSTICE.

WWW.ITFGLOBAL.ORG

CONTENTS

CHAPTER ONE: INTRODUCTION **5**
Introduction **6**
The UN Sustainable Development Goals (SDGs) 6
International regulatory framework 7
The role of the ITF 8
How to use this document 8
Statement of principles **9**
Statement of objectives 10
CHAPTER TWO: SUSTAINABLE FISHERIES AND FISHERIES MANAGEMENT **11**
Key messages **12**
Sustainable fisheries **13**
Fisheries management 14
Exclusive Economic Zones (EEZs) 15
Rights-based management 15
Management of fishing capacity 16
Subsidies 16
Combatting IUU fishing 17
Environmental protection and awareness **18**
Marine Spatial Planning 18
Marine Protected Areas 18
Gear selectivity 19
Marine pollution and the environment 19
Climate change and just transition 19
International regulatory framework **21**
The FAO Code of Conduct for Responsible Fisheries (CCRF), 1995 21
The FAO Agreement on Port State Measures (PSMA) 21
Regional Fisheries Management Organisations (RFMOs) 22
CHAPTER THREE: LABOUR CONDITIONS AND SOCIAL DIMENSION **23**
Key messages **24**
Human and labour rights 26
Fundamental labour rights 26
Human Rights Due Diligence and seafood supply chains **27**
Slavery and forced labour in seafood industry 28
Conditions of work **30**
ILO Work in Fishing Convention, No 188, 2007 (ILO C188) **31**
Conditions of employment 33
Duration of work on board and maximum time at sea 33
Remuneration systems 33
Career opportunities and consequences of restructuring 34

Occupational Safety and Health **35**
Medical examinations 36
Occupational Safety and Health Policy 36
Recruitment and placement/protection of migrant fishers 37
Young fishers and prevention of child labour in fisheries 37
Women in fisheries 37
CHAPTER FOUR: THE SAFETY ASPECTS **39**
Key messages **40**
Fishing vessels safety **41**
International regulatory framework 42
The IMO Cape Town Agreement on Safety of Fishing Vessels, 2012 (CTA) 42
The IMO Convention on Training and Certification forFishing Vessels Personnel, 1995 (STCW-F), as amended 43
IMO Code of Safety for Fishermen and Fishing Vessels, 2005 44
Manning (positions of crew on board) 45
Port State Control (PSC) 45
Safety of observers 46
CHAPTER FIVE: FLAGS OF NON-COMPLIANCE (FONC) AND ITF ENFORCEMENT **49**
Key messages **50**
Fishing Vessels Flag of Non-Compliance (FONC) 52
ITF enforcement of proper conditions 53
ITF Framework CBA for Fishing Vessels Crew **54**
Objectives 54
Fishers' minimum acceptable wage amount per month 54
Wage systems 55
Manning 55
FONC Committee 56
Global and regional fishers' support networks 56
CHAPTER SIX: FISHER ORGANISING, CAMPAIGNING AND COMMUNICATIONS **57**
Key messages **58**
Organising and campaigning 59
Global justice for fishers 59
Fisher-led organising 59
The ITF is affiliate-led 60
Global progress through national and regional organising 60
Support networks and policy initiatives 60
A commitment to organising migrant fishers 61
Enforceable legal rights to organise 62
Industrial strength to press claims 62
Solidarity with other maritime and food supply chain workers 63
Strategic campaigns 63
Communicating, campaigning and partnering to empower fishers **64**
Communications principles 64
External funding/global and regional fishers' support funds 65
ANNEXES: ADDITIONAL REFERENCE DOCUMENTS **67**

CHAPTER ONE
INTRODUCTION

INTRODUCTION

01. The International Transport Workers' Federation (ITF) is a democratic, affiliate-led federation recognised as the world's leading transport authority. The ITF fights passionately to improve working lives, connecting more than 700 affiliated trade unions in more than 150 countries that may otherwise be isolated, and helping their members to secure rights, equality and justice. We are the voice for nearly 16.5 million working men and women across the world.

02. The ITF represents fishers working at sea as part of the seafood supply chain. We campaign for better working conditions in an industry that can be harsh and oppressive to those working outside regulation.

03. The fisheries sector is a global industry with complex international supply chains that requires a series of legal and practical steps to be taken on an international, regional and national level in order to improve conditions for fishers, seafood workers and also for the sustainable and equitable management of marine resources. The ITF actively participates in the development and improvement of international instruments for the benefit of fishers, their local communities and the marine environment, based on the principles contained in this document.

THE UN SUSTAINABLE DEVELOPMENT GOALS (SDGS)

04. The United Nations' 2030 Agenda for Sustainable Development entered into effect in January 2016 and is built around a global sustainable development framework of 17 Sustainable Development Goals (SDGs). These 17 goals do not exist in isolation, they are interconnected, as are the social, economic, legal and ecological systems that underpin them. The eight SDGs listed below link directly or indirectly to the sustainable development of fisheries:

- **SDG 1 No Poverty**
- **SDG 2 Zero Hunger**
- **SDG 5 Gender Equality**
- **SDG 8 Decent Work and Economic Growth**
- **SDG 13 Climate Action**
- **SDG 14 Conserve and sustainably use the oceans, seas and marine resources for sustainable development**
- **SDG 16 Peace, justice and strong institutions**
- **SDG 17 Partnerships to achieve the goals**

INTERNATIONAL REGULATORY FRAMEWORK

05. The International Maritime Organization (IMO), the International Labour Organization (ILO) and the Food and Agriculture Organization (FAO) have developed and adopted a range of international instruments that provide a strong legal framework for responsible fisheries, the safety of fishing vessels and fishers, and decent working and living conditions in fisheries. The ITF actively supports the development, ratification and consequent implementation of these instruments.

06. As part of this, the ITF supports the FAO Declaration for Sustainable Fisheries and Aquaculture (COFI, 2021), which aims to: "Promote the attainment of safe, healthy and fair working conditions for all in the sector, support efforts to prevent and halt forced labour, facilitate access to social protection programmes for fishers and aquaculture producers and their communities, support measures to improve safety at sea, and work towards enhancing the standards of living for all in the sector, in cooperation with other relevant international organizations, including the ILO and the IMO."

07. The ITF fully subscribes to the ILO Declaration on Fundamental Rights and Principles at work based on the obligation of States to respect, to promote and to realise, in good faith and in accordance with the ILO Constitution, the principles, as amended, concerning the fundamental rights which are the subject of the ILO's Core Conventions, namely:

    a. Freedom of association and the effective recognition of the right to collective bargaining;
        - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
        - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
    b. The elimination of all forms of forced or compulsory labour;
        - Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
        - Abolition of Forced Labour Convention, 1957 (No. 105)
    c. The effective abolition of child labour;
        - Minimum Age Convention, 1973 (No. 138)
        - Worst Forms of Child Labour Convention, 1999 (No. 182)
    d. The elimination of discrimination in respect of employment and occupation.
        - Equal Remuneration Convention, 1951 (No. 100)
        - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
    e. A safe and healthy working environment.
        - Occupational Safety and Health Convention, 1981 (No. 155)
        - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

08. The United Nations Convention on the Law of the Sea (UNCLOS) Article 99 (Prohibition of the Transport of Slaves), ILO Work in Fishing Convention No. 188, and the IMO 2012 Cape Town Agreement for safety aboard fishing vessels, as well as the FAO Agreement on Port State Measures (PSMA), provide complementary means for tackling violations of labour and working conditions in global fisheries.

THE ROLE OF THE ITF

09. The ITF works alongside the ILO to secure decent working conditions for all fishers, the IMO to ensure the safety of fishers, and the FAO, which governs the sustainable management of fisheries. Together we work to create a fairer, safer, sustainable future for fishers and fisheries alike.

10. The ITF considers that the fishing industry should be run on a sustainable basis and in a socially and environmentally responsible manner. Therefore, the industry should, in addition to complying with the FAO Code of Conduct for Responsible Fisheries and other applicable international instruments, also be run in a manner consistent with the three pillars of sustainable development, i.e., environmental, social and economic and as articulated in the UN 2030 Agenda and the associated U.N. Sustainable Development Goals (SDGs).

HOW TO USE THIS DOCUMENT

11. This policy has been developed by the ITF in consultation and full involvement of our global affiliates. The purpose of this policy is two-fold: to position ITF work on fisheries worldwide and to guide and advise existing and future affiliates on particular issues and policies that relate to sustainable fishing, human and labour rights at sea, and the role of unions and the ITF in resolving issues relating to work in fishing and the seafood supply chain.

STATEMENT OF PRINCIPLES

- The ITF supports the enforcement of the highest possible labour and social standards for those working in fishing and the seafood supply chain. These standards include international human and fundamental labour rights, international safety standards and international maritime labour standards now underpinned by the ILO Work in Fishing Convention №188, 2007 (ILO C188).
- The ITF promotes and supports trade union rights for fishers and demands full enforcement of these standards on board fishing vessels.
- The ITF supports the growth of union density and collective bargaining coverage in fisheries and the cooperation and coordination of democratic and independent trade unions globally.
- The ITF opposes owners seeking to minimise their operational costs by, inter alia, tax avoidance, trade union avoidance, exploitation of migrant fishers on very low wages, failing to provide welfare and social security for their crews and avoiding proper application of labour, safety and environmental standards. These issues are often associated with IUU fishing.
- The ITF opposes unfair wage competition.
- Fishing vessel owners should facilitate and contribute to the ongoing training and career development of those working on their vessels.

STATEMENT OF OBJECTIVES

12. In order to give effect to these principles, the ITF campaigns to:

- **Protect and improve the conditions of employment of fishers and to ensure that all fishers are protected from exploitation regardless of race, nationality, immigration status, sex, religion, sexual orientation or gender identity;**
- **Prevent substandard employment in fishing and seek ITF-acceptable standards on all vessels irrespective of vessel and crew nationality, using all the political, industrial and legal means available;**
- **Strengthen affiliated unions in order to maximise international solidarity in support of our campaigns worldwide;**
- **Achieve universal ratification and effective implementation of the ILO Work in Fishing Convention No 188, 2007, (ILO C188);**
- **Pressure governmental and intergovernmental organisations to raise standards within the fishing industry;**
- **Secure acceptable minimum wages and working conditions for fishers by engaging in international, national, regional and local collective bargaining with vessel owners and other employers, as well as other forms of meaningful social dialogue with participants in the catching sector and seafood supply chain;**
- **Eliminate the Flags of Non-Compliance (FONC) system in practice (as described in chapter 5), where there is a substantial decent work deficit, through political activities, industrial actions and active cooperation with all interested parties;**
- **Eliminate exploitation and ensure social protections for all fishers (by using all means available to ITF).**

CHAPTER TWO
SUSTAINABLE FISHERIES AND FISHERIES MANAGEMENT

KEY MESSAGES

- The ITF supports sustainable and precautionary fisheries management measures. Headline fisheries management objectives (Maximum Sustainable Yield (MSY) objectives) must consider the impacts on labour and the social dimension. The ITF supports action on reducing fishing capacity in a socially just manner.
- The ITF supports the FAO in ending overfishing, curtailing harmful subsidies, encouraging non-harmful subsidies, increasing economic benefits from sustainable fisheries, and ensuring access to resources and markets for small-scale fishers.
- Decommissioning schemes should be based on the principles of a just transition and ensure enhanced worker compensation (in addition to vessel owner compensation).
- The ITF is firmly opposed to Illegal, Unreported or Unregulated (IUU) fishing wherever it takes place, and the ITF supports action against IUU fishing by governments, regional fisheries management organisations (RFMOs), intergovernmental and non-governmental organisations worldwide.
- Fishing rights must remain the property of the state and local fishing communities, based on a total allowable catch that is distributed to the fishing industry according to nationally determined social, economic and environmental criteria, in a time-bound manner. This may be best achieved by well-regulated and controlled Exclusive Economic Zones (EEZs).
- The ITF is firmly against the imposition of individual transferable quota (ITQ) fisheries management schemes, which would enable the market alone to become a vehicle for the restructuring of the industry.
- The ITF supports Marine Protected Areas (MPAs) designated in consultation with the fishing sector as well as the development of selective and fuel-efficient fishing gear.
- ITF believes that unions and fishers (or their representatives) must have a clear role and function in the operation and decision-making functions of the RFMOs.
- A just transition for fishers, reflecting the challenges and risks arising from climate adaptation must consider social protection measures such as income protection, high quality training as well as robust health and safety measures to ensure that fishers are protected from any new risks arising from the introduction of these new technologies.

SUSTAINABLE FISHERIES

13. The world's fish stocks are a natural resource belonging to all of humanity, including future generations. They are also of fundamental importance to the individual coastal communities and nation states that have access to them. The exploitation of fish stocks on a sustainable basis is essential if the fish stock is to be utilised to the maximum societal benefit for present and future generations. The rights and interests of all nations, especially the coastal states, must be respected with regards to access to the fishery.

14. The state of marine fishery resources is declining, and the percentage of stocks fished at biologically unsustainable levels has increased significantly since the 1980s. Overfishing threatens food security and long-term employment in fisheries as well as the health and resilience of the oceans. Limiting the intensity of fishing underpins sustainability and secures fishers' livelihoods over time. Sustainable fisheries can provide healthy food and good jobs for coastal communities and workers globally, but this requires good management and the enforcement of fishing limits (including quota and effort management).

15. In fisheries, the Maximum Sustainable Yield (MSY) is defined as the maximum catch (in numbers or tonnage) that can be removed from a fish or shellfish population over an indefinite period.

16. The UN Convention on the Law of the Sea (UNCLOS) requires that fish stocks are maintained at levels that can produce MSY, but for most fish stocks, no estimates of MSY are currently available. Therefore, the precautionary principle should be applied when making fisheries management decisions in the case of data deficient stocks. MSY objectives for fisheries management must assess and consider the impacts on labour and the social dimension of fisheries management.

17. The ITF firmly supports cooperation among coastal states and the establishment of regional fisheries agreements or arrangements, including in data collection, fisheries management and enforcement. Regional fisheries management bodies (RFMOs) must consider the voice of workers and their representatives in decision-making and be transparent in their operation. The ITF, and its affiliates, should be represented in all the relevant RFMOs.

18. The ITF supports the initiatives undertaken within the UN to adopt binding international fisheries agreements for sustainable management (based on the principles of sustainability, the precautionary principle approach and respect for fishers, fishing communities and their historical and traditional rights of access).

19. The ITF accepts the short-term trade in fisheries access agreements, where states and the coastal fishing communities are not able to fully exploit their own living marine resources, as a surplus, as defined in UNCLOS. Agreements should fully recognise the rights and interests of the local fishing communities and the protection of the human and trade union rights of both the local fishers and the shore-based workers involved. These agreements should be transparent, equitable and contribute towards the UN Sustainable Development Goals (SDGs).

20. The ITF supports the FAO as the custodian agency for implementing and monitoring four critical targets contributing to sustainable fisheries: ending overfishing; curtailing harmful subsidies; increasing economic benefits from sustainable fisheries; and ensuring access to resources and markets for small-scale fishers. The ITF supports the FAO in setting binding international agreements to meet the objectives of sustainable fisheries management.[1]

21. Sustainable fisheries are a means to provide healthy food and good jobs for coastal communities and workers around the globe, but these need to be underpinned by healthy stocks, good management, and the enforcement of fishing limits. These may limit the total fishing gear used (fishing effort management, i.e., *input* controls) or limits on how much fish is caught (management of catches, i.e., *output* controls).

FISHERIES MANAGEMENT

22. Fishery resources are renewable resources if well managed. However, they are also limited if fishing pressure is not controlled, as it will increase until it is no longer economically viable or the stock collapses. Therefore, limiting the intensity of fishing is a crucial conservation tool which underpins the sustainability of a fishery and secure fishers' livelihood over time. Overfishing is an environmental and socio-economic problem, which threatens food security and long-term employment in fisheries, as well as impacting food webs (and the wider marine environment) in ways that make them less resilient to other threats, including pollution and climate change.

23. As many fish stocks are shared or straddle national boundaries, the ITF firmly supports cooperation among those states and the establishment of regional fisheries agreements or arrangements, including data collection, fisheries management and enforcement. It is of fundamental importance that these regional fisheries management bodies engage workers and their representatives in decision-making. There is also a need for the establishment of effective agreements and arrangements for straddling or highly migratory fish stocks.

24. Input controls, such as days at sea or the limitation of fishing gear, have shown that such systems can lead to excessive working hours, accidents and fatalities, and a lack of protection of the social conditions and welfare of crews. Furthermore, days at sea systems have been shown to perform poorly on sustainability grounds. The ITF is therefore opposed to the use of such systems if they have negative impacts on working hours and therefore the risk of accidents.

1 According to the FAO (2020), global capture fisheries production reached a record 96.4 million tonnes in 2018 and is unlikely to return to these levels given the current growth in exploitation of fisheries resources globally

25. Spatial and temporal management of fisheries (areas closed to certain fishing gears or closures during particular times of year), to protect essential fish habitats, spawning grounds or spawning seasons and areas of high biodiversity within the marine and coastal ecosystem, are necessary and should be developed with the fishing industry via transparent co-management processes.

26. Fisheries management costs and data collection should not come from public funding alone. The fishing industry should contribute to the costs of scientific data collection through supporting the use of fishing vessels for data collection and recording accurate catch and landings data.

EXCLUSIVE ECONOMIC ZONES (EEZS)

27. The adoption of up to 200 nautical miles exclusive economic zones (EEZs) and the extension of coastal state jurisdiction, along with coastal states developing their own national fishing industries, has severely reduced the access to marine resources for the fleets of traditional fishing nations. Simultaneously, many formerly artisanal or subsistence fisheries' operations are becoming more industrialised, even if they remain small-scale. As these coastal states build up their own fishing industries, the opportunities for distant water fleets will continue to diminish, but the risk of overfishing increases with the resulting overcapacity. The establishment of EEZs encourages the development of fisheries management policies based on property rights, whether individual property rights, community property rights or national rights.

28. Fisheries management systems should be based on fishing rights remaining the property of the state and, to a certain extent, the local fishing communities where Territorial Use Rights for Fisheries (TURFs) are granted. This may be best achieved by well regulated and controlled Exclusive Economic Zones (EEZs). The system should be based on the establishment of a national quota or total allowable catch (TAC), owned by the coastal state under UNCLOS, with quota distribution according to social, economic and environmental criteria. Such management systems should also aim to reduce and minimise bycatch and prohibit the discarding of fish at sea.

RIGHTS-BASED MANAGEMENT

29. Fisheries are a public resource that should be used for the common good and not left to market forces alone. Individual transferable quotas (ITQs) provide exclusive access to public resources in return for public benefit, usually conservation – but ITQ systems frequently lead to a concentration of ownership, while also forming a barrier to entry for new entrants. The ITF is firmly against the imposition of ITQ fisheries management schemes, which would enable the market alone to become a vehicle for the restructuring of the industry.

MANAGEMENT OF FISHING CAPACITY

30. The ITF believes that the world's fishing fleet capacity needs to be at a level which will ensure the long-term sustainable utilisation of fish stocks. Considering that the average life expectancy of a fishing vessel may be as high as 20–30 years, in some areas there is an urgent need for decommissioning and permanent cessation schemes to reduce the overall fishing capacity. The situation cannot however be addressed through the adoption of a global formula but rather through the evaluation of capacity within the different fisheries and adopting appropriate capacity reducing measures. If decommissioning is the only viable solution to reducing excess fishing capacity, then these decommissioning schemes must apply the principles of a just transition, ensuring that enhanced compensation for workers (through both financial and re-skilled support) is given priority – rather than being side-lined in the interest of only compensating vessel owners. Regarding the reduction of vessel capacity through regulating gross tonnage (GT), these calculations of capacity should not have negative impacts on accommodation on board or crew quarters.

31. The ITF is also of the view that the current economic logic of imposing economies of scale and the application of greater degrees of technology, which make fishing vessels more efficient, is not consistent with the principles of sustainable development. There is also a need to address how new and evolving technologies will impact upon employment and sustainable and responsible fisheries management.

SUBSIDIES

32. The ITF believes that in the long term the fishing industry should be run on a sustainable basis, which means that it is entirely free of all direct subsidies (except those whose sole purpose and effect is to improve the life, working conditions and well-being of fishers, including their safety). Harmful subsidies should be eliminated. Harmful direct subsidies should in this context be defined as any subsidies which increase fishing effort, capacity or allow what would otherwise be economically unproductive activities to continue.

33. Non-harmful subsidies, which address the social aspects of the restructuring of the industry (e.g., providing and funding early retirement schemes or funding for meaningful alternative employment, skills and training) or promote more sustainable fisheries practices, technology and improved data collection should be encouraged. Vessels found guilty of IUU fishing, as well as those vessel owners who abuse workers' rights, should be excluded from any subsidies or public support.

34. The ITF supports the FAO goal to reduce and eliminate harmful subsidies that contribute to overcapacity and IUU fishing.

COMBATTING IUU FISHING

35. IUU fishing imposes significant losses in tax revenues that could be spent on other urgently needed social programmes. IUU fishing:

    - Undermines the ability for the sector to fish sustainably;
    - Is detrimental to accurate data collection and the development of sustainable fisheries management;
    - Limits the ability of unions/ITF affiliates to negotiate and limits the ability to agree Collective Bargaining Agreements (CBAs) with fishing companies;
    - Is a threat to the UN Sustainable Development Goals (SDGs), food security, livelihoods and fisheries sustainability;
    - Alongside overfishing means that vessel owners tend to cut operational costs (for example labour, food, life-saving equipment, insurance) at the expense of crew safety;
    - Provides the illegal environment for other forms of transnational organised crimes, including forced labour and modern slavery, and is a threat to global maritime security;
    - Involves the coercion of often vulnerable migrant fishers into being unwitting accomplices in crime.

36. The ITF is firmly opposed to IUU fishing, whether it occurs on the high seas or within the EEZ of a Coastal State. The ITF supports action against IUU fishing by governments, RFMOs, intergovernmental and non-governmental organisations worldwide.

37. This includes supporting the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). The PSMA entered into force in June 2016 and is the only binding international agreement to combat IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches.

38. The ITF also believes that transshipment at sea (the process of moving catch, crew or parts from one fishing vessel to another) should be considered an IUU fishing practice as it risks crew being kept at sea longer than contracted, thereby risking the health and safety of crew.

39. Finally, it is important that vessel owners forcing workers to engage in IUU fishing are held accountable for their actions.

ENVIRONMENTAL PROTECTION AND AWARENESS

MARINE SPATIAL PLANNING

40. Fishing is now competing with other interests for maritime and coastal space, e.g., windfarms, aquaculture, marine aggregates or coastal tourism and development. In these decisions and developments around Marine Spatial Planning (MSP), fishers' views need to be taken into account, and the social, environmental and economic impacts need to be assessed and made publicly available before management or planning consent are implemented. This is a particular concern where new industries in the 'blue economy' are competing for space and access to marine areas that are also important fishing grounds.

41. The ITF believes that consultation with the fishing industry and compensation for any negative impacts on fishing grounds, food security and sustainable development must be considered and adequately addressed.

MARINE PROTECTED AREAS

42. The ITF supports the designation and management of Marine Protected Areas (MPAs) to protect essential fish habitats, areas of high biodiversity or spawning grounds for key commercial fish stocks. These MPAs require up-to-date scientific information and the involvement and inclusion of the fishing sector in their implementation.

43. The ITF does not support 'paper parks' that exist simply as designations without management or enforcement only in order to meet international targets. If MPAs are to be a successful conservation tool, they must deliver conservation gains. Developing appropriate and effective management of activities in these sites, including fisheries and aquaculture, must be done in consultation with the fishing sector and consider all sea users and civil society.

GEAR SELECTIVITY

44. Gear adaptations and selective technologies can help to reduce catches of unwanted fish. Investment in gear design and modification trials, as well as consultation with industry and scientific bodies, provides an opportunity to reduce any negative impacts and externalities from fishing, whether on non-target species or marine habitats.

45. The ITF supports the development of selective fishing gear and initiatives to reduce bycatch and mitigate against incidental catches, especially of endangered species including turtles, sharks, cetaceans and seabirds.

MARINE POLLUTION AND THE ENVIRONMENT

46. A healthy marine environment is fundamental to sustainable fisheries and resilient marine habitats. Marine pollution should be reduced to an absolute minimum, while coastal zone development, including tourism and aquaculture, must consider fisheries and environmental impacts.

47. The existence of a healthy marine environment is of paramount importance for sustainable fisheries and for the reproduction of fish and shellfish populations as well as functioning and resilient marine habitats.

48. Research into marine science at both the international and national levels needs to be expanded in order to secure a greater understanding of the effects of pollution, the impacts of this on the reproductive capacity and productivity of fish stocks and the marine ecosystem. International and national research into this area will improve the ability of scientists to provide more accurate scientific advice on how pollution impacts on fish stocks and the subsequent fisheries management regimes, including spatial management and quotas.

CLIMATE CHANGE AND JUST TRANSITION

49. Fishing accounts for an estimated 4% of the food sector's global Greenhouse Gas (GHG) emissions. It is essential that fishing decarbonises in order to play its part in limiting global temperature increases to 1.5C, as stipulated by the 2015 Paris Agreement of the United Nations Framework Convention on Climate Change. At a minimum, the fishing industry must align with the IMO's 2023 GHG Strategy, which calls for the shipping industry to reach net zero GHG emissions by close to 2050 and strive to reduce such emissions by 30% by 2030 (compared to 2008 levels).

50. The decarbonisation of the fishing industry is only possible with a just transition for fishers, including the challenges and risks arising from climate adaptation. Climate adaptation refers to impacts that changing weather patterns are having on fishers. This includes threats to fish stock levels due to warming sea temperatures and habitat destruction, the impact of more frequent storms on fishers and their equipment, and key infrastructure such as ports, and the risks of heat stress and dehydration from higher temperatures. These risks highlight the importance of global climate action to protect the sustainability of the fishing industry, and the importance of specific measures to support fishers, including social protection measures such as income protection, and health and safety measures.

51. A just transition for fishers must also address the impacts of climate mitigation measures in the fishing industry, such as the conversion of the fishing industry to low emission fishing vessels that utilise alternative fuels and energy sources such as ammonia, hydrogen, and electric batteries. The fishing industry must align with just transition measures for seafarers, including ensuring that all fishers have access to high quality training that does not incur any additional financial burdens or impact shore leave, and also ensuring that robust health and safety measures to ensure that fishers are protected from any new risks arising from the introduction of these new technologies.

52. National and international policy measures that must be taken include ensuring there are specific commitments to a just transition for the fishing industry in the Nationally Determined Contributions (NDCs) of fishing states, the eradication of subsides for fossil fuels as these are harmful and contribute to the damage caused by IUU to both sustainable fisheries and the industry's carbon footprint, and the introduction of robust data collection of fishing emissions which can also help enable the formalisation of work in the industry.

INTERNATIONAL REGULATORY FRAMEWORK

THE FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES (CCRF), 1995

53. The FAO Code of Conduct for Responsible Fisheries (CCRF) sets out the principles and international standards of behaviour for responsible fishing practices and the development of aquaculture. The CCRF serves as a reference for national and international efforts, including for policies and institutional frameworks and instruments, to ensure sustainable exploitation of aquatic living resources in harmony with the environment. The CCRF includes provisions on the duties of all states, flag states, port states and market states, and the role of RFMOs.

54. Article 8 of the CCRF (regarding fishing operations) provides the principles for responsible fishing practices. The article covers the duties of states to ensure that fishing operations are done in a responsible manner, including aspects related to safety at sea, social security and decent employment in fisheries, fishing technologies and fisheries finance and insurance.

THE FAO AGREEMENT ON PORT STATE MEASURES (PSMA)

55. The FAO Agreement on Port State Measures (PSMA) is the first international binding instrument that specifically aims to prevent, deter and eliminate IUU fishing. Its main objective is to prevent vessels engaged in IUU fishing from using ports and landing their catches. The Agreement complements other instruments and tools and is part of an international framework of legally binding international fisheries instruments that aim to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

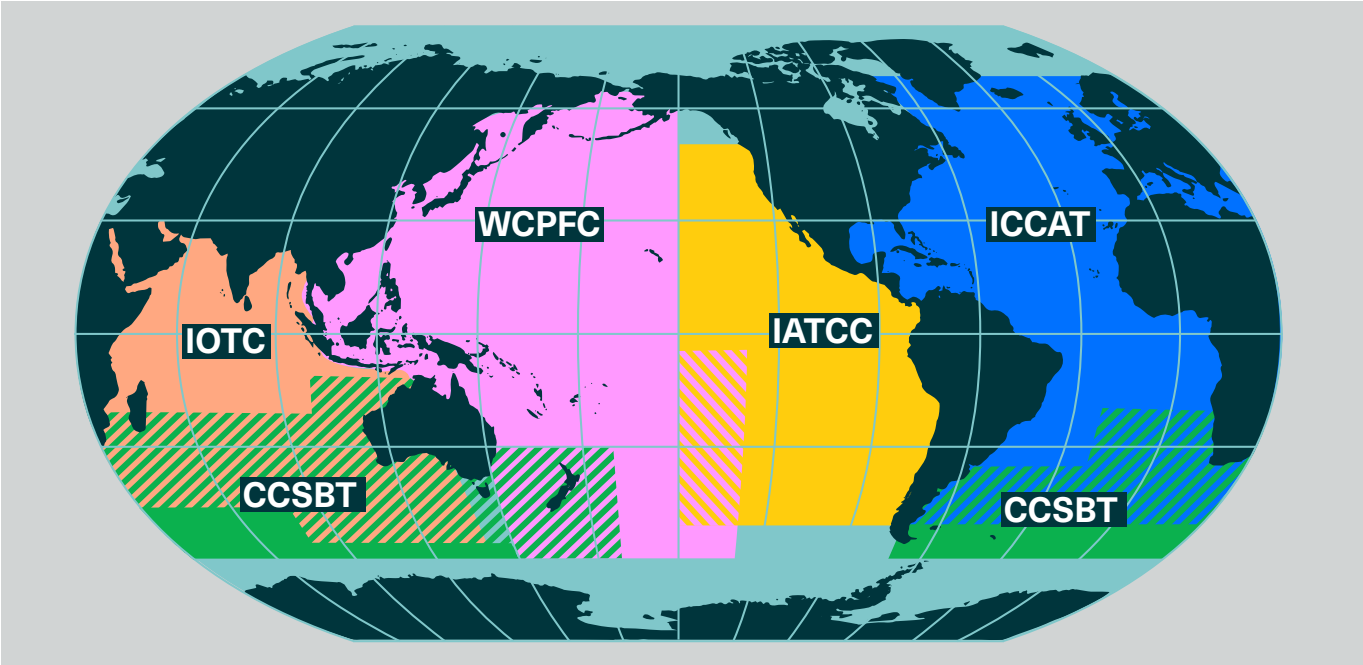
REGIONAL FISHERIES MANAGEMENT ORGANISATIONS (RFMOS)

56. Regional Fisheries Management Organisations (RFMOs) are international bodies whose member countries hold an interest in sustainably managing fish stocks across a particular geographical area.

57. The ITF supports the work and role of RFMOs, with a strong caveat that they must be data-driven, respect scientific limits (not treating MSY as a target) and be fair and transparent in their operations and decision-making processes. The work of RFMOs should contribute to overarching policy goals for sustainable fisheries and decent work, including the relevant Sustainable Development Goals (SDGs).

58. RFMOs must address labour conditions on board fishing vessels as part of responsible fisheries management practices. They must develop management plans and policies for the prevention of forced labour and also ensure adherence to the implementation of ILO C188 in their work. **The ITF believes that unions and fishers (or their representatives) must have a clear role and function in the operation and decision-making functions of the RFMOs.**

GLOBAL MANAGEMENT OVERVIEW



CCSBT: Commission for the Conservation of the Southern Bluefin Tuna
IATCC: Inter-American Tropical Tuna Commission
ICCAT: International Commission for the Conservation of Atlantic Tunas
IOTC: Indian Ocean Tuna Commission
WCPFC: Western and Central Pacific Fisheries Commission

CHAPTER THREE
LABOUR CONDITIONS AND SOCIAL DIMENSION

KEY MESSAGES

- The fisheries sector is a global industry with complex international supply chains that requires a series of legal and practical steps to be taken to improve conditions for fishers and seafood workers.
- The ITF actively participates in the development and improvement of international instruments for the benefit of fishers and their local communities.
- The ITF fully subscribes to the ILO Declaration on Fundamental Rights and Principles at work based on the obligation of States to respect, to promote and to realise the principles concerning the fundamental rights which are the subject of the ILO's Core Conventions, namely:
    - freedom of association and the effective recognition of the right to collective bargaining;
    - the elimination of all forms of forced or compulsory labour;
    - the effective abolition of child labour;
    - the elimination of discrimination in respect of employment and occupation; and
    - a safe and healthy working environment.
- The ITF supports corporate accountability legislation that would hold lead firms at the top of global supply chains responsible for ensuring decent work for fishers. The ITF will engage directly with brands/lead firms to implement Human Rights Due Diligence (HRDD) policies which adequately protect the best interests of fishers and workers. Fishers' and their trade unions' perspectives must be at the heart of corporate social responsibility efforts.
- The ITF welcomes legislation at national and international levels that serves to impede the importation of seafood products that are tainted with forced labour or human trafficking.
- The ITF advocates for the ratification and proper implementation of the ILO C188 globally, as fishers should enjoy equal treatment to shore-based workers. Significant work is required at the national level. The ITF and its affiliates will work towards the transposition of the ILO C188 provisions into national legislation where significant improvement is needed.

- The ITF and its affiliates support the ILO Toolkit for Mainstreaming Employment and Decent Work which also offers various tools for promoting decent work through policy reforms at the national level. Securing decent work in fisheries must necessarily take into consideration the perspectives of fishers and their representative organisations, and not only international standards and corporate agendas.
- The ITF advocates for the implementation of port state control mechanisms including inspections on foreign fishing vessels in line with ILO C188 to protect fishers at sea. Binding measures on working conditions should be adopted by RFMOs, ensuring they are aligned with ILO C188 and other relevant ILO standards. Formal and regular data sharing between the managing fisheries RFMOs and port State control inspecting vessels for safety and labour issues should be put in place.
- The working conditions of fishers should be comparable to working conditions in the merchant marine (MLC, 2006), with adequate consideration being given to addressing the unique conditions that apply to fisheries.
- The conditions of work for fishers should, as a general rule, be the result of collective agreements and negotiations between vessel owners and the appropriate fishers' trade unions, meet core labour standards adopted by the ILO and reflect the principles set out in the ILO's Decent Work Programme, ILO C188 and other international treaties and standards.
- National law should, depending on national labour market conditions and customs, supplement the conditions set out in such agreements.
- **The development of a safety culture amongst fishers should be a priority for all those involved in the fishing industry.** A safety culture requires the adoption of a holistic approach to all aspects, including social and labour conditions.

HUMAN AND LABOUR RIGHTS

FUNDAMENTAL LABOUR RIGHTS

59. There are a number of international legal instruments which prescribe rights to fishers. Some of these instruments are generally applicable and place obligations on states to take measures to protect the human rights of all workers.

60. From an international perspective, states have incurred obligations from various human rights treaties and International Labour Standards – Conventions and Recommendations of the ILO. Treaties, including ILO Conventions, are binding upon all states that have ratified them. There are mechanisms to check if the parties to the treaties comply with their obligations. These include individual complaints mechanisms and supervisory bodies.

61. The two most significant treaties in relation to workers' rights are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Together, these embody numerous labour rights and protections, such as on freedom of association and collective bargaining, equality and non-discrimination, forced labour, child labour, wages, health and safety, social security and the limitation of working hours.

62. In 1998, the ILO adopted the Declaration on Fundamental Principles and Rights at Work, which commits ILO member states to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are:

    - Freedom of association and the effective recognition of the right to collective bargaining;
    - The elimination of all forms of forced or compulsory labour;
    - The effective abolition of child labour;
    - The elimination of discrimination in respect of employment and occupation;
    - A safe and healthy working environment.

63. A safe and healthy working environment is a fundamental principle and right at work. The ILO added this as its fifth principle in June 2022. This means occupational safety and health can no longer be considered an optional extra. We support this human rights-based approach to occupational safety and health.

HUMAN RIGHTS DUE DILIGENCE AND SEAFOOD SUPPLY CHAINS

64. The UN Guiding Principles on Business and Human Rights describe Human Rights Due Diligence (HRDD) as a process to 'identify, prevent, mitigate and account for' negative human rights impacts on people. HRDD is therefore a process to explain and demonstrate respective human rights responsibilities, adapted to the size and scope of the business or sector in question – and linked to the severity of the risks involved. While HRDD mirrors existing business risk management systems, the focus is risk to people (rather than risk to the company).

65. The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), stated HRDD should involve meaningful consultation with potentially affected groups and stakeholders including workers' organisations. It should also take into account the central role of freedom of association and collective bargaining, as well as industrial relations and social dialogue, as an ongoing process.

66. Corporate due diligence and operational level-grievance mechanisms are inseparable, allowing for workers to be heard and have remediation. Multinationals should leverage their business partners to provide effective remediation for abuses of human rights. These should be open for workers' grievances individually, particularly when operating in countries that do not abide by international principles and rights at work.

67. The ratification and effective implementation of relevant international instruments, proper consultation with workers and workers' representatives, formal social dialogue and implementation of Collective Bargaining Agreements (CBAs), either at national, sectoral, port, fleet, vessel or company level, are all essential parts of ILO C188 that cannot be side-stepped through voluntary standards.

68. There has not been enough critical examination of the effectiveness or wider impact of voluntary standards, which are not effective tools for holding corporations accountable for abuses, protecting human rights, or providing survivors and victims with access to remedy. While they may support learning, dialogue and trust-building between corporations and other stakeholders, they cannot be relied upon for the protection of human rights and are not a substitute for public regulation, nor do they eliminate the need to protect rights-holders from corporate abuses.

69. Modern seafood supply chains are complex and include multiple operators spread across various countries. These complex relationships mean that major international companies attempt to cut costs and turn a blind eye to working conditions along their supply chains.

70. The ITF demands mandatory human rights due diligence legislation that will force companies to ensure that their supply chains are free of exploitation and abuse. The ITF believes existing Corporate Social Responsibility (CSR) schemes and voluntary standards are not enough as they are not legally enforceable and lack accountability or legal predictability.

SLAVERY AND FORCED LABOUR IN SEAFOOD INDUSTRY

71. Fishers and migrant fishers in particular are vulnerable to being deceived and coerced by brokers and recruitment agencies and forced to work on board vessels under the threat of force or by means of debt bondage. It is also evident that there is a clear relationship between overfishing, IUU fishing, criminality, trafficking and forced labour. A lack of training, inadequate language skills, and a lack of enforcement of safety and labour standards make these fishers particularly vulnerable to forced labour and human trafficking.

72. The prohibition of the use of forced labour is widely considered as a fundamental principle of international human rights law that is accepted by the international community of states as a norm from which no derogation is permitted. Indeed, freedom from forced labour has been considered by the ILO to be pivotal for the attainment of social justice.

73. Forced or compulsory labour is defined in ILO Convention No. 29, Article 2.1, as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily". The constituent elements of the forced labour definition have been developed over time by the ILO's supervisory mechanisms. These observations provide useful insights applicable to the fishing industry.

74. **Menace of penalty,** for instance, not only covers penal sanctions, but other forms of coercion, such as physical violence, psychological coercion, the retention of identity documents, and the loss of rights and privileges. Other penalties can be of a financial nature, including economic penalties linked to debts.

75. **Voluntary offer** generally refers to the freely given and informed consent of workers to enter into an employment relationship and their freedom to leave that relationship. An external constraint or indirect coercion that interferes with a worker's freedom to do so has been understood to include situations where workers are induced by deceit or false promises, or forced to remain at the disposal of their employer. The ILO has also held that initial consent may be considered irrelevant when deception and fraud has been used to obtain it. Therefore, the voluntary nature of an offer can effectively be negated by subsequent events, such as legal, physical or psychological coercion. The worker's right to free choice of employment is absolute and any restriction on leaving the employment, even when the acceptance was voluntary, can be considered forced labour.

76. The ILO indicators of forced labour, which represent the most common signs of the existence of a forced labour situation, include the abuse of vulnerability, abusive working and living conditions, and excessive overtime.

77. In 2014, the ILO adopted a Protocol to Convention 29. This instrument is generally known as the Forced Labour Protocol. Just like the Convention, the Protocol is a legally binding treaty that requires states to take new measures to tackle forced labour in all its forms by focusing on protection, prevention and compensation. Crucially, these new elements help address the root causes of the various new forms of forced labour that have emerged since the adoption of the Convention. This includes a requirement for employers to conduct due diligence to avoid forced labour in their business models, practices and supply chains.

78. The definition of trafficking in persons can be found in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (UN Protocol). Article 3(a) provides three elements that taken together determine the existence of human trafficking:

79. **Acts:** Recruitment, transportation, transfer, harbouring or receipt of persons.

80. **Means:** The means that are used to accomplish one of the prohibited acts; namely, the use of threat or of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

81. **Purpose:** Whether this act, using the above means, was conducted for the purpose of exploitation. The UN Protocol provides that "exploitation" includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

82. In its 2007 General Survey, the ILO drew special attention to the problem of trafficking in persons for forced labour purposes.

83. The United Nations Convention on the Law of the Sea (UNCLOS) Article 99 (Prohibition of the Transport of Slaves), ILO Work in Fishing Convention No. 188, and the IMO 2012 Cape Town Agreement for safety aboard fishing vessels, as well as the FAO Agreement on Port State Measures (PSMA) provide additional means for identifying and eradicating forced labour in global fisheries.

CONDITIONS OF WORK

84. The working conditions of fishers should be regulated along the same general principles as other shore-based industries, as well as being comparable to working conditions in the merchant marine, with adequate consideration being given to addressing the unique conditions that apply to fisheries.

85. The conditions of work for fishers should be the result of collective agreements and negotiations between vessel owners and the appropriate fishers' trade unions. They should be fully in accordance with the core labour standards adopted by the ILO and reflect the principles set out in the ILO's Decent Work Programme and ILO C188 and other international treaties and standards. National law should, depending on national labour market traditions and customs, supplement the conditions set out in such agreements.

86. Fishing is a difficult and arduous occupation, and this should be recognised through the provision of early retirement schemes which provide benefits comparable with the retirement schemes enjoyed by shore-based workers.

87. ILO C188 provides an urgently needed means to address these labour rights issues in the global fishing industry. The urgent ratification and implementation of the Convention, adequate controls and raising of international standards are an urgent priority for the trade union movement and the ITF and its affiliates must ensure that governments also make this a top priority. ILO C188 sets out the minimum standards and unions should pressure governments and other stakeholders to go beyond the minimum to ensure the respect of labour rights and safeguarding of those working in fishing.

88. This ITF policy adopts an integrated approach to fisheries and considers the social, environmental and economic dimensions. A sustainable fishing industry should be considered one which not only manages the fisheries resources but also provides fishers with safe workplaces and decent work. The ITF also believes that a sustainable utilisation of all living marine resources creates a stable basis for the employment of fishers on decent terms and conditions, as well as making a valuable contribution to world food supply and coastal communities.

ILO WORK IN FISHING CONVENTION, NO 188, 2007 (ILO C188)

89. ILO C188 is part of a trio of key United Nations international instruments. The other two are adopted by the IMO – the Cape Town Agreement on fishing vessel safety – and the FAO's Port State Measures Agreement (PSMA) to combat illegal and unregulated fishing around the world. Another key instrument is the IMO's International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F).

90. ILO C188 came into force in November 2017 and aims to ensure that fishers worldwide have decent working and living conditions, including health and safety, setting out a basic framework of obligations for employers, and corresponding obligations for governments to input minimum standards into national legislation. ILO C188 entitles all fishers to written terms and conditions of employment, decent accommodation and food, medical care, regulated working time, repatriation, social protection and health and safety on board.

91. The ratification and implementation of ILO C188 by flag states and coastal states alike is an urgent need for those working in fishing. There were an estimated 40 million men and women working in capture fisheries worldwide in 2020. These people are operating in a highly dangerous and largely unregulated profession. Therefore, the ITF fully supports the ratification and full and proper implementation of the ILO sector-specific C188 and ILO Work in Fishing Recommendation 199 globally, as fishers should enjoy equal treatment to shore-based workers (in terms of their working environment, social and health protection etc.), both during the time in which the individual fisher is active in sea fisheries as well as after retirement.

92. ILO C188 contains the minimum compulsory requirements to be implemented, including the right to representation, collective bargaining and a safe working environment. ILO C188 has given fishers' trade unions and ITF affiliates a minimum set of principles to fight for in protecting fishers. It has established concrete standards as a starting point to further regulate the industry. Without it, many fishers would remain invisible, vulnerable, and open to continued exploitation.

93. The convention has a special two-tier structure. Primarily for:

    - Vessels of 24 metres and above in length;
    - Vessels that remain at sea for more than seven days;
    - Vessels that navigate at a distance exceeding 200 nautical miles from the coastline;
    - Vessels that navigate beyond the outer edge of the continental shelf;
    - Fishers working on these vessels.

94. Secondly, to cover for all other fishing vessels and fishers working on them.

95. National authorities must adopt laws, regulations or other measures to implement the provisions of the ILO C188, that:

    - Establish the responsibilities of fishing vessel owners and skippers for the safety of fishers and vessels;
    - Set a minimum age for work on board fishing vessels;
    - Require all fishers to undergo periodic medical examinations certifying fitness for work on fishing vessels;
    - Require fishing vessels to be sufficiently and efficiently manned (crewed) and under the constant control of a competent skipper;
    - Ensure that the fishers on board are provided with sufficient rest periods;
    - Require fishing vessels to have a crew list and all fishers on board to have a signed work agreement;
    - Entitle fishers to be repatriated when their agreements expire;
    - Prohibit fishers from paying upfront fees or deducting recruitment fees from their wages to secure their jobs;
    - Prohibit any recruitment and placement services from using mechanisms or lists to prevent fishers from securing jobs;
    - Require any private recruitment and placement services and private employment agencies, if such are allowed to operate, to be properly regulated and controlled;
    - Address how fishers are paid;
    - Set detailed minimum standards for living accommodation and food on board;
    - Establish minimum requirements for occupational safety and health;
    - Emphasise the need for medical care on board fishing vessels;
    - Ensure that fishers benefit from social security provisions.

96. ILO C188 addresses progressively covering fishers in national systems, which is an important measure as previous standards (ILO C102- Social Security (minimum standards) Convention) allowed the exclusion of seafarers and fishers from social security provisions.

CONDITIONS OF EMPLOYMENT

DURATION OF WORK ON BOARD AND MAXIMUM TIME AT SEA

97. The fishers should be normally employed on permanent employment contract once the probationary period is over.

98. A fisher shall be continuously engaged on board for a period of up to eight months, such period may be extended to nine or reduced to seven months for operational convenience.

99. When the duration of a single voyage at sea is more than 30 days, the company shall provide for a port call for rest and/or recreation of the fisher. The port call for rest of the fisher may include a call for any other reason (supply, fuel, food etc.), provided the crew has been given sufficient rest.

100. The maximum time at sea, before coming to port, should be limited to three months for large fishing vessels that are 45 meters in length and/or weigh at least 950 gross tonnage.

101. For smaller vessels, shorter periods at sea before coming to port should be considered:

    - Two months for fishing vessels that are 24–45 meters in length and/or weigh 300 – 950 gross tonnage;
    - One month for fishing vessels that are at least 24 meters in length and/or weigh 100 – 300 gross tonnage.

REMUNERATION SYSTEMS

102. Traditionally, the income of fishers has been directly linked to the catch and the revenue derived from the sale of the catch. However, this system may lead to unsafe fishing practices and inefficient utilisation of available fish resources.

103. Such 'share of the catch' systems should be reformed by providing fixed monthly minimum guaranteed wage systems which may, as the result of a collective bargaining agreement, be supplemented by different bonus systems (based on a share of the value of the catch).

104. If the fixed monthly minimum guaranteed wage system approach is adopted, the fixed salaries negotiated should be in excess of minimum guaranteed wages used in 'share of the catch' or 'bonus' systems that are fair, transparent and specify any expenses being deducted before the allocation of shares that can be verified by fishers.

105. 'Share of the catch'–based remuneration systems, where they exist, should:

    - Be fair and transparent;
    - Ensure the best possible prices for the catch on the market;
    - Define number of fisher members to be included in the share of the catch distribution;
    - Define procedures when the share of the catch is to be changed;

- Secure fair percentage distribution among fishers and clearly define share between fisher and owner/vessel;
- Specify expenses to be deducted before the shares are allocated;
- Clearly define time frames for receiving the outstanding sums;
- Enable fishers to independently verify the basis on which their share is calculated.

CAREER OPPORTUNITIES AND CONSEQUENCES OF RESTRUCTURING

106. Restructuring the industry requires attention to those leaving the industry, including alternative training and employment opportunities, creation of alternative work that is suitable for fishers at both the individual and community levels.

107. The restructuring process should be based on the concept of a just transition, through the provision and funding of early retirement schemes and the provision and funding of training for fishers for meaningful alternative employment.

108. The ITF believes that there is a need to consider both the long-term sustainable utilisation of living marine resources, as well as the short-term adjustment which may be necessary in order to allow some stocks to recover. This means that there is a need to ensure that the necessary expertise and skills are available for the future when those stocks are replenished.

109. It is essential that consideration be given to the social consequences, which are likely to result from restructuring the industry. For those who may have to permanently leave the industry, specific attention should be given to the following:

- Alternative training and employment opportunities for displaced fishers should include occupations such as seafaring, fisheries monitoring, data collection and fisheries management;
- The creation of alternative work opportunities for fishers. All too often, tourism is suggested as a suitable alternative, but it is not. There are limited opportunities to generate tourism within many of the areas which are dependent on sea fishing, and tourism often only produces casual and poorly paid employment opportunities;
- Establishing alternative and appropriate employment opportunities for fishing communities;
- Fishers are not compelled by economic forces resulting from overfishing or IUU fishing to participate in FONC fishing operations, as this would fundamentally compromise the movement towards a responsible and sustainable global fisheries regime.

OCCUPATIONAL SAFETY AND HEALTH

110. A safe and healthy working environment is a fundamental principle and right at work. The ILO added this as its fifth principle in June 2022. This means occupational safety and health can no longer be considered an optional extra. We support this human rights-based approach to occupational safety and health.

111. The principles concerning the fundamental right to a safe and healthy environment are the subject of the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which are now considered as fundamental Conventions. They contain provisions of general scope covering all branches of activity and all workers, regardless of the type of hazard, and they serve as the basis for the safety and health measures provided in other specific ILO instruments. Bearing in mind the often hazardous nature of work in fishing, special consideration is needed for the safety and health of those who work on board fishing vessels, including with regard to ensuring that they are medically fit for that work.

112. Fishing is without a doubt one of the most hazardous occupations in the world and has been formally designated as a hazardous industry by the ILO. Many thousands of fishers' lives are lost every year causing great sorrow and often leaving families in financial hardship. There is clear evidence that the nature of fishing operations is a significant cause of many of the injuries and accidents affecting fishers.

113. The development of a safety culture amongst fishers should be a priority for all those involved in the fishing industry. A safety culture is something that cannot be created through regulation alone and will require the adoption of a holistic approach to all aspects, including social and labour conditions. It will also require zero tolerance of dangerous practices and recognition that most accidents can and should be prevented.

114. Fishing vessels should be designed and equipped in a manner which prevents, as far as possible, traditional occupational diseases and accidents among fishers. In addition to the adoption of appropriate technical standards for the fishing industry and requirements for the use of various types of fishing gear and procedures on-board (e.g., working patterns), there is also a need to address the human element and how it contributes to accidents.

115. One of the major causal factors in accidents on board fishing vessels is fatigue. It is therefore essential that regulations addressing working hours and rest periods are established and strictly enforced. Crewing levels on board fishing vessels should be established at the national level to ensure the safe navigation and operation of the vessel, taking into account the area of operation and type of fisheries.

MEDICAL EXAMINATIONS

116. Fishers are required to undergo medical examinations to reduce risks to other crew members and for the safe operation of the fishing vessel, for environmental and navigational safety, and to safeguard their personal health and safety.

117. ILO Convention No. 188 and the IMO 1995 STCW-F Convention require fishers to hold a medical certificate, detail the information to be recorded and indicate certain specific aspects of fitness that need to be assessed.

118. The IMO and ILO adopted Guidelines for medical examinations in February 2024. They apply to fishers in accordance with the requirements of Convention No. 188 and the 1995 STCW-F Convention.

119. When implementing these Guidelines, it is essential to ensure that:

    01. the fundamental rights outlined in the Preamble to Convention No. 188 are respected;

    02. from the point of view of safety of life at sea and the protection of the marine environment, fishers on board fishing vessels are qualified and fit for their duties; and

    03. medical certificates genuinely reflect fishers' states of health, in light of the duties they are to perform.

120. ILO C188 provides that no fishers shall work on board a fishing vessel without a valid certificate attesting to fitness to perform their duties. However, it also provides competent authorities with some flexibility in the application of this requirement with respect to fishers working on smaller vessels and those at sea for short periods, and provides that States, in light of certain national circumstances, may apply this requirement progressively for certain vessels.

OCCUPATIONAL SAFETY AND HEALTH POLICY

121. In 2014, the ITF Fisheries Section adopted a detailed and comprehensive occupational safety and health policy. The objective of this policy is to provide practical guidance to ITF fisheries affiliates, their shop stewards, representatives and members, on safety and health on board fishing vessels, with a view to:

    - Creating a safety culture throughout the fishing industry;
    - Preventing accidents, diseases and other harmful health impacts on the health of fishers arising from employment on board fishing vessels;
    - Ensuring that responsibility for safety and health is understood and remains a priority for all concerned, including governments, fishing vessel owners, fishers and their representatives;
    - Promoting consultation and cooperation with governments and fisheries employers' organisations at national, local and company levels to improve safety and health on board fishing vessels;
    - Secure proper representation of fishers to improve safety and health on board.

122. The policy takes into account and incorporates the provisions of the ILO Work in Fishing Convention No 188, 2007, and the advice provided in the ILO Work in Fishing Recommendation No 199, 2007, as well other relevant documents and guidance on health and safety for fishers from the ILO, IMO and FAO.

123. The ITF Fisheries Safety and Health policy consists of 14 chapters covering specific health and safety issues as well six annexes dealing with important medical issues. A further two annexes give examples of best practices nationally and within the ITF. Full text of the policy can be found in Annex 3 to this document.

RECRUITMENT AND PLACEMENT/ PROTECTION OF MIGRANT FISHERS

124. Owners and operators should at the very least conduct credible and accountable due diligence on their manning supply chain.

125. The ITF believes that there should be a body of demonstrably responsible, transparent and independently audited manning agents providing labour to the fishing industry, who are accountable for their operations and recruitment processes. All stakeholders should work to ensure that migrant fishers are working voluntarily, free from debt bondage and forced labour, are paid fairly and not exploited.

126. Responsibilities such as payment of remuneration, arranging medical examination and training, in some cases also fall under the state-licensed manning agents as per Art. 22 of C188. Nonetheless, unless fully ratified and enforced, not all labour-supplying countries are necessarily bound by the provisions of the ILO C188.

YOUNG FISHERS AND PREVENTION OF CHILD LABOUR IN FISHERIES

127. About 70% of the estimated 160 million child labourers in the world work in agriculture and fisheries[2].

128. Child labour is defined in this policy in line with the ILO Convention No 138 on the minimum age as work that is likely to harm the health, safety and morals of children or work that prevents children from attending compulsory education.

129. The ITF demands the effective implementation of the relevant UN and ILO Conventions on the right of the child and child labour.

130. Minimum age requirements in particular must be met. The ITF supports 18 years or older as the general minimum age for employment in high seas fisheries.

WOMEN IN FISHERIES

131. Women work in all sectors and aspects of fisheries: aquaculture, harvesting, pre or post-harvesting activities, gear repair, and sales; inland, near-shore and offshore; in paid and unpaid positions. Yet, women do not have the same rights, salaries, working conditions or opportunities as men in the fishing sector.

132. Women's contribution to fisheries is often not recognised or acknowledged. Particularly in artisanal fisheries, the role of women may be viewed as part of their domestic duties and therefore not formally recognised.

2 FAO. 2021. Tackling child labour in fisheries and aquaculture. Background paper. Rome. https://doi.org/10.4060/cb7159en

133. Targeted efforts by unions/affiliates (in CBAs) and governments (in policy and regulations) are needed to:

    01. Recognise the current contribution of women in fisheries in terms of workforce and economic impact, and demand fair/equitable and just treatment.

    02. Create opportunities for women to participate in fisheries

        - Including funding for
            i. Training
            ii. Access to/development of economic/financial programmes
        - Awareness of the existence of available programmes and support
        - Creation and participation in Support Networks.

    03. Increase women leadership in fisheries. Overcoming discrimination, visible and invisible barriers and create pipelines for women's participation as fishers.

    04. Full participation of women in decision-making and resource management.

    05. Remove barriers to women participation such as working conditions, violence against women in the workplace, equal pay and working conditions.

    06. Access to training (by e-learning), as required by STCW-F, may open opportunities for women's participation in offshore fishing as a promoted career path.

CHAPTER FOUR
THE SAFETY ASPECTS

KEY MESSAGES

- Fishing is one of the most dangerous occupations, with high accident and fatality rates.
- Safety on board fishing vessels is a matter of major concern to the ITF. While a number of safety initiatives, including the IMO Convention on Training and Certification for Fishing Vessels Personnel, 1995 (STCW-F) have reduced losses of life, fishing is still the most hazardous occupation at sea.
- The ITF believes it is fundamental and essential that fishers are adequately trained and certified before they work at sea.
- The ITF strongly supports inspection and enforcement of safety measures as per the IMO Cape Town Agreement and the ILO C188 through effective flag and port state control worldwide.
- Port State Control measures must be enforced and applied to fishing vessels with the same rigour as the merchant maritime sector.
- The ITF calls for setting out minimum global standards in line with these conventions for the design, construction, and control of fishing vessels and equipment, as well as procedures and requirements for inspection of fishing vessels.
- Fishing observers are independent specialists who work on fishing vessels as part of at-sea monitoring programs. It is essential to create an environment where observers feel safe to report any threats or incidents they encounter while carrying out their duties.

FISHING VESSELS SAFETY

134. Fishing is one of the most dangerous occupations in the world, with high accident and fatality rates. The annual fatality rate in the fishing sector has been estimated at 80 lives lost per 100,000 fishers by the FAO, ILO and IMO. This means four fishers lose their lives every hour. Those injured or suffering from work-related illnesses are higher still and have major impacts on fishers' families, fishing crews, fishing communities, and maritime search and rescue activities.

135. Safety and working conditions are interlinked with fisheries management and the health of fisheries resources. As stocks decline, fishing effort increases, as does the pressure on the distance travelled, hours worked and risks taken. These are serious issues for those who make their living fishing.

136. Many small-scale coastal fishing vessels are not suited for offshore fishing, but these are forced to fish further afield as a result of overfishing of coastal resources by external industrial fishing fleets.

137. Large-scale industrial fishing vessels can stay at sea for weeks or months, meaning that living and working conditions are often poor. Therefore, safety standards also receive less attention than is needed to ensure decent work on board these vessels. Living space and hours of rest are frequently compromised, especially when working at night or in difficult conditions at sea.

138. Occupational health and safety and accident protection are generally lacking for fishing crew globally. Where vessels are involved in IUU fishing, labour and welfare issues are also more frequent as vessel owners tend to cut operational costs at the expense of crew safety.

139. The promotion and development of alternative fuels for fishing to deal with the climate crisis must include the consideration of how these alternatives affect workers and must be developed with the safety of workers in mind from the outset, rather than as an afterthought.

INTERNATIONAL REGULATORY FRAMEWORK

THE IMO CAPE TOWN AGREEMENT ON SAFETY OF FISHING VESSELS, 2012 (CTA)

140. The overall objective of the IMO Cape Town Agreement (CTA) is to ensure the safety of fishing vessels and their crew (including observers) through setting out minimum global standards for the design, construction, fishing and other equipment, as well as procedures and requirements for the inspection of fishing vessels. The CTA is crucial to enhance safety on board of fishing vessels. The CTA closely mirrors the provisions of the International Convention for the Safety of Life at Sea (SOLAS), covering the merchant shipping sector.

141. The CTA supports approved safety standards for foreign and national fishing vessels operating in waters under the jurisdiction of the ratifying countries. The CTA also covers national fleets operating on the high seas or in waters under the jurisdiction of any other State. Furthermore, the CTA reduces the risks to fisheries observers and national crew on foreign fishing vessels by allowing for the inspection of these vessels.

142. Ratification and implementation of the CTA is an essential and urgent step to bridge the current gap in safety standards between seafarers and fishers. There are benefits to ratification for the flag state, port state, coastal state, as well as the labour supplier and market states, such as:

143. Flag states can ensure safety on board vessels flying their flag. By establishing inspections, flag states and port states can incentivise vessel owners, officers, crew and organisations (including unions and workers organisations) to ensure compliance with these safety standards.

144. For coastal and labour supplying states, the ratification and implementation of the CTA will improve the working and living conditions of their nationals on board and also decrease the risks of accidents, costs of search and rescue operations, and pollution risks, thereby reducing financial costs.

145. The CTA applies to fishing vessels above 24 meters in length (or equivalent to 300 Gross Tonnes - GT) that are entitled to fly the flag of the Party. The CTA also includes provisions for the design, construction and equipment standards of fishing vessels (over 24 m in length) to ensure they are watertight and weathertight, stable and seaworthy. Provisions on machinery, electrical appliances and minimising fire risks are also made.

146. Most of the provisions of the CTA apply to new vessels, however, some provisions also apply to existing vessels. Flag states may exempt vessels if they operate within coastal waters, or in the state's Exclusive Economic Zone (EEZ).

147. Ratifying the CTA can contribute towards the fight against IUU fishing through increased vessel inspections to detect, prevent and eliminate IUU fishing. The 'no-more favourable treatment' provision in the CTA also gives ratifying countries the authority to inspect foreign-flagged fishing vessels entering their ports. Inspecting fishing vessels of a state that has not ratified the CTA is a critical support for ratifying countries, supporting a level playing field in the fishing industry.

148. The protection of crew is an essential provision of the agreement, alongside requirements regarding life-saving appliances on board. Emergency procedures to follow training and safety drills are specified as is the responsibility of the flag state administration, in order to ensure crews are trained on emergency procedures before departure.

THE IMO CONVENTION ON TRAINING AND CERTIFICATION FOR FISHING VESSELS PERSONNEL, 1995 (STCW-F), AS AMENDED

149. **It is fundamental and essential that fishers are adequately trained and certified before they work at sea.** The STCW-F was adopted by the IMO in 1995 and amended in 2024. This Convention applies to crew on all fishing vessels and has detailed provisions for fishers of seagoing fishing vessels as well as skippers and officers on fishing vessels above 24 metres in length, and vessels powered by main engine of 750 kW propulsion power or more. The STCW-F sets certification and minimum training requirements for fishing vessel crew to promote the safety of life at sea and the protection of the marine environment, considering the unique nature of the fishing industry and work at sea.

150. Fishing vessel personnel must receive basic training in the following areas:

- Personal survival techniques, including wearing of lifejackets and, as appropriate, immersion suits;
- Fire prevention and firefighting;
- Emergency procedures;
- Elementary first aid;
- Prevention of marine pollution; and
- Prevention of shipboard accidents.

151. The STCW-F contains mandatory provisions for the certification of skippers, officers, engineer officers and radio operators of fishing vessels, and also provisions on basic safety training and watchkeeping provisions. A flag state may exempt personnel of fishing vessels under 45 meters in length operating solely from its ports and fishing within its EEZ.

152. Setting a framework to ensure adequate skills and training for those working on fishing vessels is an urgent need. The benefits range from decreasing the likelihood of fatal accidents and loss of lives. Furthermore, supporting the harmonisation of qualifications via the introduction of a minimum level of training for everyone working on fishing vessels can facilitate the mobility of workers between ratifying and implementing countries, creating a level playing field in fishing. The percentage of migrant fishers has increased rapidly in the last few decades as a result of the difficulty to find local crew who will accept the working conditions and risks (also inherent in the unique payment system in fishing). Potential language barriers in these circumstances mean all crew should have proper training.

153. The ITF fully supported the adoption of the STCW-F and actively participates in the promotion of the ratification of this Convention and in the process of revision and update.

IMO CODE OF SAFETY FOR FISHERMEN AND FISHING VESSELS, 2005

154. Safety on board fishing vessels is a matter of concern to the IMO. While a number of voluntary and regulatory safety initiatives, including the STCW-F Convention, have reduced losses of life, fishing is still the most hazardous occupation at sea. The IMO Code of Safety provides guidance for the “safety and health practices for fishermen (Part A)” and the “safety and health requirements for the construction and equipment of fishing vessels (Part B)”.

155. **Part A** explains the duties and responsibilities of competent authorities, skippers and crew, as well as providing information on fishers’ education, training and safety awareness, health and medical care in the fishing industry. These guidelines apply to fishing vessels of all sizes.

156. **Part B** provides information on the design, construction and equipment on board fishing vessels, aiming to promote the safety of fishing vessels and crew on vessels over 24m in length.

MANNING (POSITIONS OF CREW ON BOARD)

157. All flag states have an obligation to adopt laws, regulations or other measures providing that the owners of fishing vessels flying their flag ensure that their vessels, without exception, are staffed sufficient in number and in quality to ensure the safe navigation and operation of the ship under the control of a competent skipper.

158. In addition, in the case of vessels longer than 24m, the administrations in charge have the authority and the obligation to set the minimum manning required to guarantee the navigation safety of the vessel and to specify the number of fishermen required and the qualifications they must have.

159. Flag states should provide for the establishment of a complaint filing and examination process obliging national authorities, after receipt of the said complaint, to take the necessary steps to investigate and ensure that measures are taken to remedy the shortcomings noted. Complaints may be submitted by a fisher, a professional body, an association, a union or, in general, any person having an interest in the safety of the vessel, including with regard to the risks relating to the safety or the health of fishers on board.

160. The involvement of national unions in the consultation and complaint process remains a major obstacle with regard to respecting those rights provided for in the Convention, and consequently to the establishment of a secure workforce onboard fishing vessels. The promotion of this commitment within these national structures, through the establishment of appropriate training and the cooperation of the network of ITF inspectors, is imperative.

PORT STATE CONTROL (PSC)

161. Port state control measures must be enforced and applied to fishing vessels with the same rigour as in the merchant maritime sector. Under the Maritime Labour Convention, 2006 (MLC), the actions that port states can apply are clearly defined, as are the ILO C188 guidelines for port state control officers and how they are to respond if deficiencies are discovered. The ITF supports these guidelines.

162. The effective establishment of port state control of fishing vessels is not a new idea and is supported by many players in the fishing sector, including the ITF, but is still to be implemented in real life. This international control has experienced a productive boom in the protection of the social rights of seafarers in the field of international maritime commerce.

163. Indeed, through various Memoranda (Paris MoU, Tokyo MoU, US Coast Guard etc.), port state control has used the MLC 2006 as a relevant, legal tool, leading to a substantial improvement in the working conditions of the international workforce, through these second level tools.

164. In fact, the “MLC 2006” targeted campaigns carried out simultaneously in the Paris and Tokyo Memorandum sectors led to the targeted inspection of several thousand merchant ships, of which approximately 2% were subject to detention resulting from the failure to comply with the provisions of the 2006 MLC Convention. As a corollary, these Memoranda also allow the full application of complaint processes, and ultimately the involvement of operational alert structures such as the ITF.

165. In contrast, it is clear that port state control in fishing still does not exist or is at the initial stages of development

and implementation, even if several international legal mechanisms provide for its implementation, such as ILO C188. The small number of states that have ratified this Convention is not enough to explain this lack of any type of control. The example of Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, equivalent to SOLAS for fishing vessels, instituting both certification by European states and the establishment of port state control, is instructive in this regard.

166. The lack of common political will is evident. There are, however, reasons to believe that this long eluded question risks seeing positive developments in years to come. In fact, the Paris MoU region, in collaboration with that of the Tokyo MoU, is examining the project for the establishment of a PSC regime, applied to fishing vessels with several relevant legal tools including ILO C188. These legal developments should go through several stages, including the establishment of a database reflecting the state of the fishing vessel fleet, then a second, more difficult, stage should see the birth of rules specific to the new inspection regime for fishing vessels. It is clear that the ITF should be part of this process, working with the European Transport Federation (ETF), to quickly promote a PSC that could also serve as a model in other parts of the world.

SAFETY OF OBSERVERS

167. ILO C188 applies to all fishers and all fishing vessels engaged in commercial fishing operations. It provides in its general principles that the fishing vessel owner bears overall responsibility for ensuring that the skipper has the necessary resources and means to fulfil the obligations of this convention. Responsibility for the safety of fishers on board and the safe operation of the vessel rests solely with the skipper. It is also notable that the observer status, excluded from the scope of the definition of "fisher", grants a special and imprecise position in this profession, particularly in terms of safety on board these ships.

168. Fishing observers are independent specialists who work on fishing vessels as part of at-sea monitoring programs. Observers collect vital data that is essential for the sustainable management of fisheries, such as recording bycatch.

169. Fishing boats can be dangerous workplaces and observers may find themselves in unsafe conditions with limited options to be rescued or receive medical help.

170. It is essential to create an environment where observers feel safe to report any threats or incidents they encounter while carrying out their duties. Establishing clear channels of communication, confidential reporting mechanisms and robust support systems can help ensure their well-being.

171. Fisheries observers collect catch and bycatch data on commercial fishing vessels. Usually, these observers are professionally trained biologists who monitor and collect data regarding the fish and other marine life caught, the type and level of discards, the location fishing activity is undertaken in, and the fishing gear used. The information collected by

observers supports the scientific evidence base which underpins sound fisheries management, resource conservation, as well as compliance with fishing and safety regulations.

172. While often utilised for fishery enforcement activities, the fishery observer primarily collects biological data that is vital to the sustainable management of fish stocks. An onboard fishery observer provides valuable observations of fishing procedures and environmental indicators.

173. The addition of enforcement activities often leads to a contentious relationship between the observer and crew which can compromise the primary purpose of data collection.

174. In an effort to combat IUU fishing, some countries have created regional observer programmes. The opportunities presented in the development of observer programmes can become new career opportunities for displaced fishers and opportunities for organising union representation.

175. As a first step, the ITF invites the national unions of fishers and fishing vessel owners to start work to put in place a charter defining their role and the provisions applicable to them in terms of safety. To do this, in the establishment of the said charter, a process of preparation for boarding aimed at ensuring the safety of the observers should be suggested. This process could be broken down into the following steps:

176. **Medical fitness for boarding:** Any person taking part in boarding a professional vessel must, during the annual medical examination with occupational medicine, have received fitness for boarding.

177. **Obligation to check safety equipment:** Checking the safety equipment on board by the observer is their sole responsibility (Personal Flotation Device vest, survival suit, safety boots, helmet or cap). In the event of an anomaly or doubt, it needs to be replaced and/or verified. The equipment must be checked annually by an approved external body. The observer will inquire with their manager about the procedure in force and the proper performance of the checks.

178. **Weather boarding rule:** The final boarding decision, if granted by the skipper, is left to the discretion of the observer. However, when the wind is too strong or the swell is too big, the observer should not embark for reasons of safety and the quality of the data collected. The observer will try to agree on another boarding date with the skipper. If the weather should deteriorate during boarding, the observer will prioritise his/her safety before biological observations.

179. **Safety point with the skipper**: Once on board, the observer will ask for a safety update:

    - Location of safety equipment (beacon, raft, life jackets, fire extinguishers);
    - What to do in the event of danger.

180. The charter will provide that the observers have to know and respect the safety instructions on board the ship. Finally, it is possible to propose that before their first embarkation, the observer must have completed training, including a safety course at sea with certification.

CHAPTER FIVE
FLAGS OF NON-COMPLIANCE (FONC) AND ITF ENFORCEMENT

KEY MESSAGES

- The ITF aims to ensure better working conditions for those working in the fishing industry. Rights associated with worker voice and workers' collective organising are protected through ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- The ITF believes that the only way to empower fishers and to secure proper enforcement and implementation of decent conditions onboard fishing vessels is through an international or national ITF-approved Collective Bargaining Agreement (CBA) or a national CBA with better conditions.
- The ITF believes that fishers should be treated equally to their seafarer colleagues in merchant shipping covered by comprehensive collective bargaining agreements covering pay and all conditions of work. They should be entitled, as a minimum, to the ILO minimum basic wage for an Able-Bodied Seaman (AB), or the minimum wage of the flag state should be applied, whichever is higher.
- Wages on board FONC fishing vessels, where there is an ITF approved CBA, should be in line and/or comparable to the ITF interpretation of the ILO minimum consolidated wage for an AB on merchant ships.
- An effective ITF oversight strategy to ensure decent work for fishers shall be established through CBA inspection and enforcement involving ITF inspectors and contacts, as appropriate.
- Moreover, the introduction of an ITF campaign (regime for) challenging FONC is critical in order to overcome abuses and bring about the necessary improvements to fishers' livelihoods and their social well-being.

- A FONC enables flag-hopping to avoid scrutiny and/or to access fishing rights. Flags that are largely non-cooperative with international sustainability efforts and the prevention of IUU fishing are selected by these operators, as FONC countries use their registries as commercial enterprises.
- The ITF defines a flag as a FONC where any of these instances are met:
  - The flag state does not prevent IUU and labour abuses and does not have proper measures for safety and welfare of fishers. In this case, the flag will be considered as a FONC regardless of where the beneficial ownership of that vessel is located;
  - The flag state denies or fails to protect fundamental labour and human rights of fishers;
  - The flag state fails to prevent IUU fishing, and thereby exposes fishers, especially migrant fishers, to forced labour, human trafficking, and slavery;
  - The beneficial ownership of a vessel is found to be in a different country to the flag that the vessel is flying;
  - The flag state fails to implement and enforce proper measures to secure safety and welfare of fishers on board;
  - The wages on board a fishing vessel are below either the ILO minimum basic wage for an AB or the minimum wage of the flag state.

FISHING VESSELS FLAG OF NON-COMPLIANCE (FONC)

181. FONC are similar to Flags of Convenience (FOC) in that they are used to conceal the identity of the vessel operator or its beneficial owner. Vessels have the nationality of the state whose flag they fly, with profound implications for the employed crew (as they live and work under the laws of the flag state).

182. The ITF opposes any two-tier employment system and supports the signing of ITF agreements which are still not in place for 99% of the Distant Water Fleet (DWF). International law requires a "genuine link" between the vessel and the flag it flies, so that the flag state is in a position to enforce international, legally binding standards and exercise effective control over the fishing and work taking place. If a fishing vessel operator has chosen to register under a foreign flag to avoid rules, regulations and inspection, they are also more likely to be engaged in IUU fishing. The mechanisms and devices to obscure the identity of beneficial ship ownership enable IUU fishing.

183. The link between FONC and IUU fishing is clear, and while some states that operate these open FONC registers have taken positive steps to meet international responsibilities, the majority are not bound by these international instruments which require flag state control of vessels that are fishing illegally. IUU vessels are more prominent amongst FONC flags, which offer secrecy and a low risk of being detected as many flag states operating as FONC are Global South countries with low monitoring and control capacity as well as weak enforcement infrastructure.

184. If the flag state can effectively control the fishing operation, there may still be the need to reinforce the safety net from the ownership and registration perspective. If the flag state cannot effectively control the fishing operation, then the vessel can be considered to be flying a FONC to avoid scrutiny. As long as there is a control mechanism for monitoring catches and ensuring labour standards are upheld, then the vessel is not to be considered flying a FONC.

185. In addition to FOC, in fisheries, FONC undermine efforts to stop IUU fishing and effectively provide an additional escape route for unscrupulous operators. If a previously non-compliant flag state reforms its register to improve compliance, it may thereby export the problem, as the vessel 'flag hops'. A collective, coordinated response by the international community at the flag state, coastal state, port state or market state level is the only means to tackle the problem effectively.

186. The absence of representative social partners (e.g., labour unions or other worker organisations) within a FONC State prevents social dialogue and means a substantial deficit in terms of decent work, which prevents the operation of the normal system of checks and balances.

187. To address these issues:

- The ITF aims to eliminate the FONC system through co-operation, sharing information and exerting political pressure on the states and companies in question.
- The ITF will be using all lawful practical means necessary to eliminate the exploitation of fishers and ensure the social protection of those employed at sea.
- The ITF aims to eliminate the competitive advantage FONC fishing vessel operations enjoy to the detriment of bona fide fishing vessel operations.

ITF ENFORCEMENT OF PROPER CONDITIONS

188. In order to enforce proper conditions on fishing vessels the following is necessary:

- The ITF must have the right to intervene where conditions do not meet the required international minimum standards;
- The ITF must be able to agree terms for CBAs with companies and their vessels (as summarised below and attached in Annex 2 – the ITF Framework Agreement), where working conditions are not in line with the ITF-approved CBA;
- The ITF Fishers' Support Network must be able to handle cases and provide resolution for fishers whose human and labour rights have been violated;
- The ITF maintains both global and regional fishers' support networks which need to be available and accessible for all fishers regardless of the flag of the vessel they are working on.

ITF FRAMEWORK CBA FOR FISHING VESSELS CREW

OBJECTIVES

189. The objectives of the Framework Agreement are:

- To support proper implementation of the ILO C188;
- To cover all industrial fishing vessels, not just FONC;
- To ensure minimum conditions for fishers on FONC fishing vessels;
- To provide a simple model for a basic but well structured CBA for use by affiliates, as required;
- To assist affiliates when developing and negotiating CBAs with fishing vessel owners and provide guidance on the various clauses;
- To establish a policy framework for wages and conditions, which should not be inferior to those provided in ILO instruments;
- To provide clauses to be used in combatting IUU fishing operations in order to give fishers protection;
- A safeguard clause to ensure that standards applied must refer to the higher, not lower, standard (even where there are no national standards in place);
- To ensure that third-party audits and certification schemes are not presented as an alternative to a CBA or a transparent and recognised consultation process including fishers and their representatives.

190. Any information felt to be important but not for inclusion in the CBA itself can be added as an appendix, for example:

- Wage scales and how they might be structured;
- Defines different cash benefits;
- A grievance procedure.

FISHERS' MINIMUM ACCEPTABLE WAGE AMOUNT PER MONTH

191. There are divergences between the ILO minimum for seafarers (defined under the MLC), fishers (where applicable) and ITF consolidated wages.

192. Whatever system is adopted, there shall be an agreed secured monthly minimum guaranteed wage even if a share of the catch system is used.

193. It is useful to consider the ILO-recommended basic minimum wage for an Able-Bodied Seaman (AB), which used to be (and is still used in many countries) when adopting regulations for minimum wages on board merchant shipping and fishing vessels.

194. The ILO-recommended basic minimum wage is based on the provisions of the ILO Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), which recommends that the basic pay or wages for a calendar month of service for an Able Seaman should be no less than the amount periodically set by the Joint Maritime Commission, a bipartite standing body that provides advice to the ILO Governing Body on maritime questions.

195. The Recommendation itself defines a seafarer as "any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship", and after consultations allows the agreed wage to be extended to cover fishers on board commercial fishing vessels.

WAGE SYSTEMS

196. Traditionally, the income of fishers has been directly linked to the catch and the revenue derived from the sale of the catch. However, this system leads to unsafe fishing practices through incentivising the overloading of vessels and overworking of crew (therefore increasing the likelihood of accidents).

197. Share-based remuneration systems should be fair and transparent, ensure the best possible prices for the catch and enable fishers to verify the basis on which their income is calculated, as laid out in their contract of employment or engagement (and Fishers Work Agreements – FWA – under the ILO C188).

198. A guaranteed minimum wage system should be in place, which should in all instances provide fishers with an income equivalent to that of comparable shore-based workers.

199. Any combination of the two systems should ensure a sufficient minimum income and a transparent catch related bonus calculation.

200. Nothing in this ITF policy shall be interpreted as reducing or adversely affecting the general level of protection already afforded to fishers within national laws and regulations.

201. This policy shall not affect any prerogatives to apply provisions which are more favourable to fishers or to encourage or permit the application of collective agreements which are more favourable to fishers.

MANNING

202. The manning scale for FONC vessels covered by ITF approved agreements should be in line with the ITF Manning Policy as provided in Annex 11 of this policy. FONC vessels covered by ITF-approved agreements shall adopt the ITF manning scale and not the one provided in the flag state manning certificates or any comparable document. However, the ITF manning scale can be varied if the affiliate(s) in the country of beneficial ownership and/or effective control certify that a proposed manning scale is based on their national levels and is acceptable to them.

FONC COMMITTEE

203. The ITF negotiations follow the agreed procedures, wherein the negotiations are undertaken by the affiliates, coordinated by ITF secretariat, developed and monitored by the ITF Fisheries Section Committee, and enforced by the ITF Inspectorate.

204. A FONC committee, which reports to the ITF Fisheries Section Committee, shall be responsible for the operational implementation and enforcement of the ITF FONC Campaign and contribute to the strategy and long-term sustainable success of the ITF FONC Campaign.

GLOBAL AND REGIONAL FISHERS' SUPPORT NETWORKS

205. The ITF maintains a global team of FOC/POC inspectors and coordinators. The ITF has identified some of these to deal with fisheries issues, inspections and cases which require specific knowledge, skills and understanding relating to the practices on board fishing vessels, and relevant regulations relating to work in fishing and fishing vessel safety.

206. The work of these inspectors is coordinated by the ITF Fishers' Support Network, which provides support and advice for fishers.

207. The ITF maintains both global and regional fishers' support networks to support affiliates and issues relating to fisheries in specific areas.

CHAPTER SIX

FISHER ORGANISING, CAMPAIGNING AND COMMUNICATIONS

KEY MESSAGES

- The ITF believes a better future for fishers is best achieved through collective action and trade union organising.
- The ITF is an affiliate-led global union federation that supports building and renewing democratic trade unions and assisting affiliates with modern, effective approaches to organising and campaigning.
- The ITF supports the development of in-person and online network-building opportunities and platforms for fishers to share their experiences along with strategic knowledge to grow fishers' power within and across regions.
- The ITF supports multi-stakeholder initiatives by the ILO and others to work with unions to address regional issues throughout seafood supply chains.
- We are committed to supporting efforts to organise migrant fishers into collective organisations and collective bargaining agreements, to support the vision of global fisher solidarity and improved industry conditions.
- The ITF encourages fisheries affiliates to engage with other maritime, logistics, and fisheries-related supply chain workers and their unions at the national level, to support organising efforts and develop joint leverage.
- The ITF is committed to strategic campaigning to assist existing fisheries affiliates and organising campaigns, industrial partners, global agencies, and other organisations of common cause.

ORGANISING AND CAMPAIGNING

GLOBAL JUSTICE FOR FISHERS

208. Our goal is to ensure that labour standards in the fishing industry improve for all workers. We want to stop the 'race to the bottom' driven by commercial interests in the seafood supply chain that seek profit at any cost. As companies seek to cut the costs of production by exploiting fishers and using fishing methods that may damage our oceans and deplete delicate fish stocks, we support organising a global movement of fishers to protect the interests of all fishers. The challenge is global, and there must be a global solution.

209. An effective global movement requires fisher organising at national, regional and global levels. Our vision is for all fishers' lives to improve – regardless of where they live or their current economic status. We reject the idea that progress for fishers living in one country is dependent on a reduction in the wages, welfare, or job security for fishers living in or from another country.

FISHER-LED ORGANISING

210. We believe the fishing industry should be an industry with good jobs, livable wages, safe working conditions, and sustainable, secure futures for all fishers. Our vision is a world where fishers are empowered to fight for and win safer working conditions, better wages and benefits, and stronger workplace protections nationally, regionally and globally.

211. As trade unionists, we know that a better future for fishers is best achievable through collective action and trade union organising. When fishers unite and organise, they can become a powerful force for change, win significant gains and raise standards throughout the industry. We understand that it is our task as the world's leading global union federation to advocate for, support, coordinate, and resource strategic campaigns and organising initiatives that build fishers' collective power and strength at all levels[3]. One example of this is: www.justiceforfishers.org

212. To achieve global justice for fishers, the ITF will constructively engage with other global union federations, industry voices, civil society and environmental organisations, international agencies, governments and other actors, where appropriate.

3 www.justiceforfishers.org

213. Recognising that fisher-led organising is the best and most enduring way that fishers can win gains, we support fisher efforts to organise and campaign in their networks and unions – nationally, regionally and globally.

214. We support fisher-led organising through:

- **Providing a platform for established fisher unions** (ITF affiliates) to coordinate, demonstrate solidarity, learn from and campaign, with each other – primarily through the ITF Fisheries Section.
- **Developing, resourcing and promoting fisher-led organising programmes** within countries and across regions.
- **Running strategic campaigns** that advance fisher rights, interests and welfare; produce political or industrial leverage for fishers to capitalise on; and highlight where fishers are being denied their industrial, human, civil or political rights.
- **Supporting collective bargaining and fishers' rights policy initiatives** among affiliates, industrial partners, global agencies and organisations of common cause.

THE ITF IS AFFILIATE-LED

215. The ITF is an affiliate-led global union federation that supports building and renewing democratic trade unions and assisting affiliates with modern and effective approaches to organising and campaigning. We support affiliates demonstrating solidarity and exploring opportunities to deploy leverage to influence outcomes for the benefit of all members. We encourage central, sectoral and nation-wide bargaining between fishers' unions and employers.

GLOBAL PROGRESS THROUGH NATIONAL AND REGIONAL ORGANISING

216. Achieving our global vision of justice for fishers requires both national and regional coordinated action. ITF-affiliated unions and national trade union centres should promote union membership, run organising campaigns (within workplaces and across industries) and respond to industry and demographic trends in order to grow and maintain national density. Additionally, affiliates should consider that regional problems require regionally tailored solutions, and that working with diverse stakeholders in the region can benefit both national and global movements. For this reason, the ITF will continue to establish and support regional organising and network-building initiatives[4].

4 At the time of drafting these include Thailand, Ireland, West Africa and Latin America—included and outlined in detail in Annex 12.

SUPPORT NETWORKS AND POLICY INITIATIVES

217. The ITF supports the development of in-person and online network-building opportunities and platforms for fishers to share their experiences and strategic knowledge to grow fishers' power within and across regions. The ITF also continues to support efforts and networks that enhance fisher organising, health and safety protections, and improve industry conditions through positive engagement with national, regional and global authorities.

218. Furthermore, the ITF continues its work and support for positive policy initiatives at the international level alongside, and on behalf of, our fisheries affiliates. In recent years, we have supported the development and adoption of ILO C188, the FAO Agreement on Port State Measures (PSMA), and the UN Food and Agricultural policy, among others. International policy initiatives are inextricably connected to our support for organising efforts in the workplace, nationally and regionally, and the ITF supports multi-stakeholder initiatives by the ILO and others to work with unions to address regional issues throughout the seafood supply chain.

A COMMITMENT TO ORGANISING MIGRANT FISHERS

219. All fishers, regardless of national origin or their current location, should be treated equally by governments, employers and workers' organisations, and should be free to exercise their fundamental rights to freedom of association and to collective bargaining.

220. We are committed to supporting efforts to organise migrant fishers into collective organisations and collective bargaining agreements, to support the vision of global fisher solidarity and improved industry conditions.

221. As outlined in Chapter 3, we believe that the issues facing migrant fishers cannot be solved by greater protections and better enforcement of rights within port states alone. We welcome migrant fishers and migrant fishers organising, understanding that building fisher power adds strength and diversity to our global movement.

ENFORCEABLE LEGAL RIGHTS TO ORGANISE

222. For fishers to be empowered to win gains in the workplace, fishers need to have access to the full list of fundamental human rights. All fishers, irrespective of their nationality or status must be able to, in law and in practice, freely associate – including forming and joining trade unions – collectively bargain, including the right to strike, and to speak freely and protest when conditions at work are unsafe or wrong.

223. Fishers everywhere must have these rights legislated by governments and actively enforced by the relevant authorities. Fishers must have an effective, accessible grievance procedure and remedies in the law – both as individuals and through their collective organisations (trade unions and networks).

INDUSTRIAL STRENGTH TO PRESS CLAIMS

224. Even the best regime of written legal rights and protections is only as useful as fishers' ability to exercise those rights. Fishers must build and maintain independent, collective power in the workplace in all contexts – especially in those countries or regions where workers cannot always rely on the state to enforce rights and protections nominally conferred through legislation.

225. If fishers are faced with exploitation, abuse, endangerment, discrimination or intimidation, despite having nominal rights to be free from such adverse treatment, then we believe fishers must be supported to take appropriate industrial action to defend their safety and collective interests.

226. Furthermore, in addition to building and exercising the industrial strength to resist mistreatment, fishers should be encouraged to grow and use their collective power in the workplace to pursue claims to improve their lives and working conditions through collective bargaining. The ITF is explicit in its ongoing support for collective bargaining in the workplace, as the best and most enduring strategy for fishers to win better wages, benefits and working conditions.

227. We will continue to demonstrate solidarity with affiliates engaged in industrial campaigns, including efforts to organise fishers and secure collective agreements. The ITF also seeks to develop and maintain a global network of fisher unions and networks to win strong collective bargaining and seafood supply chain agreements.

SOLIDARITY WITH OTHER MARITIME AND FOOD SUPPLY CHAIN WORKERS

228. The ITF encourages fisheries affiliates to engage with other maritime, logistics, and fisheries-related supply chain workers and their unions at the national level, in order to support organising efforts and develop joint leverage. As a global union federation, we will promote cross-sectional initiatives at the global and regional level through our affiliates and through partnerships with other global worker representatives, bodies and organisations.

229. We encourage fisheries affiliates and unions representing workers in food processing, food distribution, food retail and fisheries-related value-added industries to use National Coordinating Committees (NCCs), where they exist. NCCs can be an important forum for coordinating national campaigns, demonstrating solidarity, and building leverage for fishers.

230. The ITF Secretariat will facilitate Fisheries Section affiliate engagement collectively and bilaterally (where appropriate) with seafarers, dockworkers, civil aviation and tourism workers, inland navigation workers, and road and rail transport workers, in their unions.

231. The ITF supports our affiliated unions with national issues, and affiliates can locally and regionally assess and determine the need and scope of partnership and cooperation with artisanal and small-scale fishers and their representative organisations based on local conditions.

STRATEGIC CAMPAIGNS

232. The ITF is an organisation that values strategic campaigning. Strategic campaigns are a comprehensive effort to exert pressure on the various strategic relationships of an employer or decision maker, to win positive gains for workers. We have produced materials to assist affiliates in developing their own strategic campaigns such as the ITF Guide to Developing Strategic Campaigns. The ITF is committed to strategic campaigning to assist existing fisheries affiliates and organising campaigns, industrial partners, global agencies, and other organisations of common cause.

233. Coordinated and strategic campaigns are an integral and necessary part of effective fisher organising and communications, affiliate collective and regional bargaining, and pursuing global justice for fishers. Governments and other enforcement bodies are also susceptible to pressure generated by strategic and coordinated campaigning by fishers. This pressure can lead to positive policy change and highlight effective enforcement, and it can also shine a spotlight on violations of fisher rights or international commitments.

COMMUNICATING, CAMPAIGNING AND PARTNERING TO EMPOWER FISHERS

COMMUNICATIONS PRINCIPLES

234. In our communications about, with, and for fishers, the ITF adopts the following principles, ensuring our communications are:

- Worker-centred;
- Fisher-led;
- Strategic;
- Impactful;
- Democratic;
- Honest, authentic and informed;
- Responsive and agile;
- Innovative, utilising new technologies where they empower and connect fishers;
- Capacity-building, drawing on the proven strength of relational organising in the workplace and community.

235. How we will do this:

- We work to support ITF fisheries affiliates and endorsed fishers' organising and campaign initiatives;
- We build support in the community, beyond fishers, to raise awareness, solidarity and support for decent, safe fisheries work with good jobs and healthy seas;
- We are generous with our solidarity to support allied campaigns and movements who are genuine friends of workers, and share our goals to grow the power of working people to fight for justice, respect, safety and dignity at work and in their communities.

EXTERNAL FUNDING/GLOBAL AND REGIONAL FISHERS' SUPPORT FUNDS

236. The ITF may seek external funding as needed to achieve national, regional or global objectives, based on senior-level approval.

237. Further information on the principles and procedures for seeking, securing and obtaining external funding is to be found in **Annex 10** (Principles of External funding/ Global and regional fishers support funds).

ANNEXES
ADDITIONAL REFERENCE DOCUMENTS

Annex 1.	The ILO Work in Fishing Convention 2007: A Guide for Unions, 2012, as amended https://www.itfglobal.org/en/resources/ilo-work-in-fishing-convention-guide-unions
Annex 2.	ITF Model Framework CBA for Fishing Vessels Crew, 2021*
Annex 3.	ITF Fisheries Safety and Health Policy, 2014 https://www.itfglobal.org/sites/default/files/paragraph/pdf-chapters/files/2014%20ITF%20FISHERIES%20SAFETY%20AND%20HEALTH%20POLICY%201.pdf
Annex 4.	ITF Fishers' Support Inspectorate Network/ Framework, 2017*
Annex 5.	ILO Subcommittee on Wages of Seafarers of the Joint Maritime Commission https://www.ilo.org/meetings-and-events/sectorial/subcommittee-wages-seafarers-joint-maritime-commission-april-2025
Annex 6.	ITF position on certification standards in seafood supply chains, 2022 https://www.itfglobal.org/en/resources/voluntary-certifications-and-standards
Annex 7.	ITF Whaling Policy, 2022 https://www.itfglobal.org/sites/default/files/2026-06/ITF%20Whaling%20Policy_EN.pdf
Annex 8.	ITF Flags of non-Compliance Committee TOR*
Annex 9.	ITF Procedures on negotiation and approval of FONC CBAs*
Annex 10.	Principles of External funding / Global and regional fishers support funds*
Annex 11.	ITF Fishing Vessels Manning policy*
Annex 12.	Fisher Rights Networks*

* Note: some annexes are still in development, as indicated (*), and will be added as and when endorsed.

WWW.ITFGLOBAL.ORG

INTERNATIONAL
TRANSPORT
WORKERS'
FEDERATION

49-60 Borough Road
London SE11DR
+44 (0)20 7403 2733