

# The International Labour Organization and the Safety and Health of Fishers

**Ingrid Christensen**, Sr. Specialist on Occupational Safety and Health, ILO Sub-regional Office for South Asia, New Delhi and **Brandt Wagner**, Sr. Maritime and Fisheries Specialist, Sectoral Activities, ILO, Geneva

**T**his article, based on a paper presented at IFISH-3, describes the work of the ILO on improving occupational safety and health, with particular reference to fishers. It also discusses efforts to develop a Convention and recommendations on work in the fishing sector.

The primary goal of the ILO is to promote opportunities for men and women to obtain decent and productive work, in conditions of freedom, equity, security and human dignity (“Decent Work for All”). The ILO is seeking to achieve this goal in all sectors, including the fishing sector.

To take fisheries, an estimated 36 million people were engaged in capture fishing and aquaculture production worldwide in 1998, comprising 15 million full-time, 13 million part-time and 8 million occasional<sup>1</sup> workers. In 2000, an estimated 27 million persons were working solely in capture fishing worldwide.<sup>2,3</sup>

Asia accounts for an estimated 82 percent of fishers. At present, the small-scale fisheries sector accounts for roughly 45 per cent of the total catch.

## Safety and Health in the Fishing Sector

The ILO’s Tripartite Meeting on Safety and Health in the Fishing Industry (December 1999) concluded that:

“Fishing is a hazardous occupation when compared to other occupations. Sustained efforts are needed at all levels and by all parties

The International Labour Organization (ILO) was founded in 1919 to bring governments, employer and worker organizations together for united action in the cause of social justice and better working conditions everywhere. In 1946 it became the first specialized agency of the UN system. It is unique among such agencies in that it has a tripartite structure: not only government representatives but also employer and worker representatives take part and vote at its Conference and other meetings. The ILO has 178 member States.



The International Labour Conference meets in June every year to discuss the programme, the budget, various reports on the application of ILO standards, and adoption of new or revised standards. The Governing Body, which meets two or three times each year, determines the agenda of the Conference and directs the work of the International Labour Office. The International Labour Office is the permanent secretariat of the Organization, with headquarters in Geneva and offices in more than 40 countries. The Director-General is Mr Juan Somavia.

to improve the safety and health of fishermen. The issue of safety and health must be considered broadly in order to identify and mitigate — if not eliminate — the underlying causes of accidents and diseases in this sector. Consideration also needs to be given to the great diversity within the industry based on the size of the vessel, type of fishing and gear, area of operation, etc.”

Figures on accidents and injuries — collected as part of the preparation for a consolidated ILO Convention on Work in the Fishing Sector and its accompanying Recommendation (see below) support this conclusion.

In Japan in 2000, of the 88 fatal injuries for all workers covered by the Mariners’ Law, 55 concerned fishers. Oxford University researchers say fishers have by far the most dangerous jobs in the United Kingdom. In the United

States, the fatality rate in the fishing industry was 160 deaths per 100 000 workers in 1995; it rose to 179 per 100 000 in 1998. In 1996 this rate was 16 times higher for fishers than for other occupations such as fire-fighters, police and detectives and

<sup>1</sup> FAO: *The state of the world fisheries and aquaculture* (Rome, 2000), p. 3.

<sup>2</sup> Those engaged in fishing from which they gain less than one-third of their income or spend less than one-third of their work time.

<sup>3</sup> The ILO has made this estimate using FAO data. The ILO publishes a number of relevant series on workers in its *Yearbook of Labour Statistics*. These relate to total employment (paid employment plus self-employment) and persons in paid employment. All these series are classified according to economic activity, using either the International Standard Industrial Classification of all Economic Activities (ISIC) Revision 2 or ISIC Revision 3. Where ISIC Rev.3 is used, separate data may be available for fishing; otherwise, fishing is incorporated in Major Division 1 of ISIC Rev.2 along with agriculture, hunting and forestry. The data on total employment are also classified by occupation, according to the International Standard Classification of Occupations (ISCO) — either the 1968 revision (ISCO-68) or the 1988 revision (ISCO-88), at the major group level. Consequently, fishermen are not identified separately.



eight times higher than the rate for persons operating motor vehicles for a living. In April 2001 the European Parliament adopted a resolution concerning safety and causes of accidents in fisheries which set out not only the high death and injury rate in this sector but also called for specific actions, including regulatory action, to improve this record at both the European and the international level<sup>4</sup>. For comparison, the average accident fatality rate per 100 000 workers for all occupations is about 12.5.

Additionally, the fishing industry entails other potential risk factors such as strenuous work, working in awkward positions and lifting of heavy loads, exposure to noise from engines and whole-body vibrations, exposure to difficult climatic conditions, long working hours and night shifts, disruption of social and family life and other psycho-social factors.

In many countries, the vast majority of people directly involved in seagoing activities are men. Apart from the physically demanding work, other factors too make it more difficult for women to enter this industry. But many of the pre-harvesting and post-harvesting activities are carried out by women.

### **Improving Safety and Health Conditions in Fisheries**

Improving the safety and health conditions in the fishing sector requires interventions at

international, national and local (workplace) levels. Government, employers, workers and their organizations – all of them must take active part in the process. At the international level, the ILO has organised Conventions and come out with recommendations, policy and strategy development, research and analysis, guidelines and other information materials. These activities include:

#### ***ILO Standards for the Fishing Sector***

In its 87 years, the ILO has adopted five Conventions<sup>5</sup> and two Recommendations specifically concerned with conditions of work of fishers. These include:

- 1920: A recommendation on limiting the hours of work of all workers employed in the fishing industry.
- 1959: Conventions concerning minimum age, medical examination and articles of agreement of fishers.
- 1966: Conventions concerning fishers' competency certificates and fishing vessel crew accommodation, as well as a Recommendation concerning the vocational training of fishers.

The December 1999 ILO Tripartite Meeting made recommendations, on the basis of which the 2004 session of the International Labour Conference (ILC) was to discuss a comprehensive standard on work in the fishing sector. It was agreed that

this standard should revise the seven existing ILO standards (five Conventions and two Recommendations), thus reflecting changes in the sector over the past 40 years; it was also agreed that the standard should reach or cover a greater proportion of the world's fishers, particularly those working on smaller vessels.

ILC 2004 discussed the proposal for a Convention and a Recommendation respectively. Another Tripartite Meeting of Experts on the Fishing Sector was convened in December 2004, and revised proposals for a Convention on Work in the Fishing Sector were tabled for ILC 2005.

The proposed Convention consisted of eight parts. (They dealt with definitions and scope; general principles; minimum requirements for work on board fishing vessels; conditions of service; accommodation and food; health protection, medical care and social security; compliance and enforcement; and amendment of annexes.) It also contained three annexes, which are integral part of the Convention and provide for: equivalence in units of measurement; fisher's work agreement; and fishing vessel accommodation.

The proposed Convention also dealt with Occupational Safety and Health (OSH) and accident prevention. It carried provisions concerning prevention of occupational accident and diseases, risk evaluation and management, training, young fishers below 18, reporting and investigation of accidents and the establishment of joint committees (or other appropriate bodies) on OSH. For

<sup>4</sup> From Report submitted to ILC 2004

<sup>5</sup> A Convention is subject to ratification. Once a State has ratified a Convention, and the Convention has entered into force, the State is obliged to bring its domestic law and practice in conformity with the Convention provisions. A Recommendation is not open to ratification. Instead, it provides guidelines, including suggestions of a technical nature, to assist States in developing their national policy and practice with regard to the particular labour matter.



larger boats, the Convention had more elaborate provisions.

However, as many of the participants of IFISH-3 may know, the proposed Convention and Recommendation were not adopted. There was doubt on whether these instruments would effectively address the situation of fishers working on small fishing vessels in developing countries. Another difficult matter was how to determine what standards should apply to small fishing vessels and what standards should apply to large fishing vessels – and where to draw the line between these categories.

In November 2005, the Governing Body decided that the proposed standards should be tabled at ILC 2007 after renewed consultation with member States. The ILO Secretariat said it would encourage IFISH-3 participants to take part in any national-level consultations and work out changes to improve the proposed Convention and Recommendation.

***ILO and Occupational Safety and Health:*** The ILO has also had a long history concerning improvement of safety and health at workplaces across various economic sectors. This includes the adoption of about 70 Conventions and Recommendations related to OSH.

An example of such an instrument is the Occupational Safety and Health Convention, 1981 (No. 155), which prescribes the adoption of a coherent national policy on OSH and the working environment. It also outlines the general responsibilities and duties of governments, employers and workers. But it provides that member States may exclude fishing from its application. Some 40 member-States have ratified this Convention. The Convention on Occupational Health Services, 1985 (No. 161) is another one with a broad application.

The ILO has also adopted standards concerning OSH in specific sectors such as agriculture, mining,

shipping and dock work. The Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), sets out requirements for “seafarers”. In many member States, the protection afforded by this Convention applies to fishers — or in some cases to fishers working on large fishing vessels. But in some other countries these laws apply only to “seafarers” working on board merchant marine vessels.

Likewise, laws relating to OSH-related issues such as medical examination, medical care at sea and working hours are aimed at seafarers. In some countries these laws extend to fishers, in some others only to fishers working on deep-sea vessels, in some countries they do not apply to fishers.

To reduce the estimated 2 million (+) deaths that occur annually because of occupational accidents and occupational diseases, a new ILO Global Strategy on OSH was adopted at the 91<sup>st</sup> Session of the ILC in 2003. This strategy has two pillars: (i) creation and maintenance of a national preventive safety and health culture; and (ii) introduction of a systems approach to OSH management. At the national level, the strategy envisages national OSH programmes, while at the enterprise level, ***the ILO Guidelines on Occupational Safety and Health Management Systems (ILO-OSH***

***2001)***, provide guidance for the strategy.

Apart from OSH within the proposed Fishing Convention, OSH was also tabled as an item by itself on the agenda of ILC 2005, during which a proposed Promotional Framework Instrument was to be discussed. This Framework Instrument, suggested by the Committee to take the form of a Convention and a Recommendation, lays out the basic requirements of an OSH national policy, an OSH national system and an OSH national programme.

***Joint FAO/ILO/IMO work concerning the safety and health of fishers***

To support the implementation at country level of the principles enshrined in the more formal standards, Conventions and Recommendations, the ILO has adopted a number of “Codes of Practice” concerning OSH in specific economic sectors. In the fishing sector, such Codes and other non-binding guidance have been jointly prepared with the FAO and the IMO. The three organizations have recently completed revising four such publications.

***a) The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel*** is the recently revised



version of a document originally prepared by the FAO, ILO and IMO in the 1980s. It provides guidance for those developing, establishing or reviewing national training schemes, as well as certification programmes for fishing vessel personnel.

**b) The FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels (Part A, safety and health practice for skippers and crews)** addresses vessel safety; safety in machinery spaces and of mechanical equipment; fire precautions and fire-fighting; safety in fishing operations and fish handling; life-saving appliances and emergencies; abandoning the vessel; survival and rescue; safety of navigation and radio communications; shipboard facilities for crew members; health and medical care; survival from sudden, unexpected immersion in cold water; risk assessment; fatigue; and many other issues. It is divided into a general section concerning all fishing vessels, a section concerning un-decked vessels and decked vessels of less than 12 metres in length, and a section concerning decked vessels of 12 metres in length and over.

**c) The FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels (Part B, Safety and health requirements for the construction and equipment of fishing vessels)** addresses a wide range of issues concerning the safe construction and equipping of vessels, as well as such issues as stability and associated seaworthiness. It takes into account the Protocol of 1993 to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 and other relevant IMO work.

**d) The FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels** is similar to the Code, Part B, but it is aimed at vessels that are 12 meters in length and above, but less than 24 meters in length.

The *re-establishment of livelihoods in tsunami-affected areas*, both for



*A Sri Lankan fisher*

fishing and non-fishing communities, is another example of cooperation between FAO and ILO on specific issues, in this case at the country level.

#### **Interventions at National and Workplace Levels**

Implementation of the principles adopted *vis-a-vis* the standards at the national level and the workplace level, require the active participation of governments, organizations of employers and workers, and collaboration between employers and workers.

At the national level, governments in consultation with employers' and workers' organizations should establish the national framework for improvement of OSH in the fishing sector. Such a framework concerns many things: competent authorities, national policy, legislation and its enforcement, mechanism for cooperation and coordination among the stakeholders. Other instruments include awareness-raising and promotion, data collection and analyses, research as well as training and education.

In this context, employers' and workers' organizations as well as research institutions, NGOs, CBOs (community-based organizations), and projects such as the Bay of Bengal Programme can help transform national-level interventions into applicable

interventions at the workplace level. Moreover, they should participate in discussions at the national level on how to advance OSH in a country.

For enterprise/ workplace interventions, **ILO-OSH 2001** (ILO Guidelines for Occupational Safety and Health Management Systems) provides a systematic management approach to safety and health for industries and sectors in general. It provides for larger workplaces to prepare a policy, establish an organization to implement the policy, plan and implement improvements to the working environment, monitor and evaluate the measures and finally assess the need for adjusting the management system. For small and micro-sized workplaces, including those within the fishing sector, less formal instruments would usually be more appropriate. For both approaches (small and large workplaces), the involvement of workers is a key factor.

#### **Prevention Pays**

Preventive measures toward safety and health are often perceived as being expensive. The ILO has since 1980 sought to promote safety, health, working conditions and productivity (or other management goals) at small and medium-sized enterprises.

The concept encourages the use of low-cost improvements wherever possible and of solutions/ methods/ techniques already implemented in a country or region. Training modules have been developed for specific sectors such as garments, agriculture and construction, and have been used in a number of countries of Asia, Africa, America and Europe. As a result, more than 100 000 improvements have been recorded in Vietnam in the agricultural sector. Fishing could be the next sector for which to adapt the general concept.

#### **More information:**

<http://www.ilo.org/public/english/protection/safework/>

<http://www.ilo.org/public/english/dialogue/sector/sectors/mariti/fishing-iloact.htm>