

DISCUSSION PAPER ON LABOUR STANDARDS ON FISHING VESSELS IN IOTC FISHERIES

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Acronyms

ASEAN	Association of Southeast Asian Nations
BCEA	Basic Conditions of Employment Act (South Africa)
CCRF	Code of Conduct for Responsible Fisheries
CMM	Conservation and Management measure
CPCs	Contracting Parties and Cooperative Non-Contracting Parties
DEL	Department of Employment and Labour (South Africa)
DLPW	Department of Labour, Protection and Welfare (Thailand)
DOE	Department of Employment (Thailand)
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FIT	Flying Inspection Team
ICCAT	International Commission for the Conservation of Atlantic Tunas
ILC	International Labour Conference
ILO	International Labour Organization
IOTC	Indian Ocean Tuna Commission
ITSS	Labour and Social Security Inspectorate
LOA	Length Overall
MoU	Memorandum of Understanding
MSD	Merchant Shipping Department
NAFO	Northwest Atlantic Fisheries Organization
NPFC	North Pacific Fisheries Commission
OSH	Occupational Safety and Health
PIPO	Port-In Port-Out
RFMO	Regional Fisheries Management Organization
SADC	Southern African Development Community
SAMSA	South African Maritime Safety Agency
SC	Statement of Commitment
SPRFMO	South Pacific Regional Fisheries Management Organization
UNCLOS	United Nations Convention on the Law of the Sea
VG SSF	Voluntary Guidelines for Sustainable Small-Scale Fisheries
WCPFC	Western and Central Pacific Fisheries Commission

Background

Labour force data are generally well collected, and maintaining decent working and living conditions on board fishing vessels is supported by national, regional and international labour standards. The 2007 International Labour Organization's Work in Fishing Convention provides a comprehensive and global labour standard for workers employed on board fishing vessels. Despite these frameworks, labour issues persist in the fishing sector, and no unified set of standards currently applies across all IOTC CPCs.¹

In 2025, the Indian Ocean Tuna Commission (IOTC) agreed to review and analyse existing national, regional and international standards to inform the development of a harmonised set of labour standards for tuna fishing fleets operating in the IOTC area of competence.

The review has four specific objectives:

- (a) mapping existing international conventions and agreements, relevant regional arrangements and measures as well as national laws and regulations and other measures governing labour conditions within the IOTC area of competence (sections 1, 2 and 4);
- (b) providing a comparative analysis of existing RFMOs' measures on labour standards and crew protection against the global labour standard for fishing vessels set out in the Work in Fishing Convention with an initial focus on large-scale fishing vessels² operating on the high seas (section 3);
- (c) identify transferable best practices and lessons that can inform IOTC's efforts (section 5); and
- (d) outline a practical roadmap for improving labour conditions across IOTC fleets and integrating labour standards into the IOTC framework (section 6).

It is important to note from the onset that the focus of this study is on the promotion of decent work and protection of crew labour rights and that the issue of human rights is beyond its scope. Therefore, human rights declarations and international human rights law are not included in this review.

1. International labour standards for fishers

This section highlights key provisions in global international treaties and other global instruments establishing labour standards for fishers and providing for crew protection and safety on board fishing vessels.

1.1 Law of the Sea

The United Nations Convention on the Law of the Sea (UNCLOS),³ which has been ratified by 28 of the 29 IOTC Contracting Parties,⁴ stipulates that every State, in its capacity as a flag State, has a duty to "effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag" (art. 94.1). Article 94 further specifies that every flag State has the obligation to:

- (a) maintain a register of ships authorized to fly its flag (art. 94.2(a));

¹ The acronym "CPCs" refers to Contracting Parties and Cooperating Non-Contracting Parties

² For the purpose of this paper, the term "large-scale fishing vessels" refers to vessels of 24 meters length overall (LOA) or over harvesting the fish.

³ UNCLOS was adopted on 10 December 1982 and came into force on 16 November 1994.

⁴ The Islamic Republic of Iran has not ratified UNCLOS. However, it is among the countries that signed the Convention on 10 December 1982 when the Convention was open for signature at Montego Bay, Jamaica. The European Union, which is not a member of the United Nations, provided formal confirmation of UNCLOS.

- (b) ensure safety at sea with regard, *inter alia*, to the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments (art. 94.3(b)).

Flag States have a general obligation to apply generally accepted international regulations, standards, procedures and practices to ensure safety at sea, including adequate labour conditions and training of crews (art. 94.5). This includes application of the minimum labour standards set out in the Work in Fishing Convention (No. 188).⁵

Every State has also the obligation to establish the conditions for the grant of its nationality to ships, for the registration of ships in its territory and for the right to fly its flag (art. 91). The nationality of the ship is a critical element to ensure compliance with applicable labour standards on board the ship as it is the laws of the flag State, including labour regulations and standards and any other law protecting crew members against forced labour or any other abusive labour practices, that apply on board the ship wherever it is located, whether on the high seas, in the waters under the jurisdiction of a third State, or in a foreign port. The existence of a genuine link between the State and the ship is required to enable the State to exercise its responsibilities effectively. (art. 91) In practice, however, this is not always the case. It is, indeed, common practice for unscrupulous ship owners to register their ships in so-called flag of convenience countries with no or a tenuous link with the country of registration to evade any control and oversight on the ships' activities.

1.2 International fisheries instruments

The binding international fisheries instruments, namely, the 1993 Compliance Agreement,⁶ the 1995 United Nations Fish Stocks Agreement⁷ and the 2009 Port State Measures Agreement (PSMA),⁸ do not address the issues of decent work and forced labour on board fishing vessels. It is worth noting, however, that they all contain provisions relating to compliance with conservation and management measures (CMMs) adopted by regional fisheries management organizations (RFMOs) or arrangements. As a result, the scope of these instruments would automatically be extended to decent work and the elimination of forced labour and other labour rights abuses, should any of these organizations or arrangements adopt binding conservation and management measures on these issues.⁹ Likewise, adoption of such measures by any RFMO would have the mechanical effect of broadening the scope of the concept of IUU fishing, for that particular RFMO, to labour-related crimes as the contravention of the conservation and management measures adopted by RFMOs is part of the definition of illegal fishing activities.¹⁰ Of note is the 2023 Report of the resumed Review Conference of the United Nations Fish Stocks Agreement which encouraged RFMOs and arrangements, as appropriate, to adopt standards for decent working conditions for crew, inspectors and observers within the fisheries within their competence, in accordance with international instruments.

Among the voluntary fisheries instruments, the FAO Code of Conduct for Responsible Fisheries (CCRF) and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (VG SSF) contain provisions

⁵ For more information on this Convention, see section 1.4.3 of this document.

⁶ Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993

⁷ Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Species

⁸ Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009

⁹ See section 3 of this paper

¹⁰ See section 3.1.2 of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2001

on decent work in the fisheries sector. The CCRF, which provides a framework for national and international efforts to ensure sustainable exploitation of aquatic resources and promote responsible fishing practices, is mostly silent on social matters in the fisheries sector, except for a few provisions. Article 6 of the CCRF stipulates that “States should ensure that fishing facilities and equipment as well as all fisheries activities allow for safe, healthy and fair working and living conditions and meet internationally agreed standards adopted by relevant international organizations.”¹¹

The VG SSF, which includes an entire section on social development, employment and decent work, is not considered in this study as it applies only to small-scale fisheries management and thus does not cover the vessels targeted in this document.

1.3 International Maritime Organization Conventions

The purposes of the conventions relating to the fishing sector adopted under the framework of the International Maritime Organization, namely the Cape Town Agreement¹² and the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), deal with the safety of fishing vessels and the standards of training, certification and watchkeeping for fishing vessel personnel respectively. While they have an indirect bearing on the welfare of fishers by contributing to the establishment of a safer working environment, they do not specifically address labour-related issues on board fishing vessels.

1.4 International Labour Organization (ILO) Conventions

At its 110th Session in June 2022, the International Labour Conference (ILC) amended paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work to include a safe and healthy working environment as a fundamental principle and right at work in addition to: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.

The ten ILO fundamental Conventions are:

- Forced Labour Convention, 1930 (C029) and Protocol of 2014 to the Forced Labour Convention (P029)
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (C087)
- Right to Organise and Collective Bargaining Convention, 1949 (C098)
- Equal Remuneration Convention, 1951 (C100)
- Abolition of Forced Labour Convention, 1957 (C105)
- Discrimination (Employment and Occupation) Convention, 1958 (C111)
- Minimum Age Convention, 1973 (C138)
- Occupational Safety and Health Convention, 1981 (C155)
- Worst Forms of Child Labour Convention, 1999 (C182)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (C187)

¹¹ Article 6.17 of the CCRF

¹² Cape Town Agreement on the Implementation of the Provisions of the 1993 Torremolinos Protocol Relating to the 1977 International Convention for the Safety of Fishing Vessels, 2012

ILO fundamental rights conventions¹³ are cross-sectoral and thus do apply to the fishing sector. Therefore, these conventions can be instrumental in addressing and eliminating the most abusive labour practices on board fishing vessels such as forced labour.

For the purpose of this study, the primary focus is on forced-labour-related conventions.

1.4.1 Forced Labour Convention (C029) and its 2014 Protocol (P029) and other fundamental rights conventions on forced labour

ILO latest [Global Estimates of Forced Labour](#)¹⁴ indicate that the fishing sector is one of the top sectors where the prevalence of forced labour is the highest globally. While victims of forced labour in fishing are notoriously hard to count given the isolation of the sector, the Global Estimates gave a conservative figure of a minimum of 128,000 fishers trapped in forced labour aboard fishing vessels. Work on the high seas, a unique workplace characterized by extreme isolation, hazardousness, and with gaps in regulatory oversight, also has one of the highest death rates with an estimated 100,000 fishers losing their lives per year.¹⁵

The **Forced Labour Convention, 1930 (C029)** introduced a definition of the notion of “forced or compulsory labour” which reads as follows: “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 voluntarily” (article 2.1). Additional language was inserted in C029 to exclude certain types of work or service from the scope of that definition (article 2.2). It includes:

- (a) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (b) any work or service exacted from any person pursuant to a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations.

The Convention stipulates that any illegal exaction of forced or compulsory labour shall constitute a penal offense under national laws. Furthermore, member States have an obligation to ensure that the penalties imposed by law are adequate and strictly enforced (art. 25).

In 1957, ILO adopted the **Abolition of Forced Labour Convention (C105)** to abolish certain forms of forced and compulsory labour. It is a short text whereby each State that ratifies C105 commits to undertaking to:

- (a) suppress and not make use of any form of forced or compulsory labour:

¹³ These conventions were the focus of the ILO’s Declaration on Fundamental Principles and Rights at Work, adopted in 1998. https://www.ilo.org/sites/default/files/2024-04/ILO_1998_Declaration_EN.pdf

¹⁴ Global estimates of modern slavery: Forced labour and forced marriage - International Labour Office (ILO), Geneva, 2022.

¹⁵ Report by FISH Safety Foundation commissioned by PEW Charitable Trusts. See <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/11/more-than-100000-fishing-related-deaths-occur-each-year-study-finds>

- (i) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
 - (ii) as a method of mobilising and using labour for purposes of economic development;
 - (iii) as a means of labour discipline;
 - (iv) as a punishment for having participated in strikes;
 - (v) as a means of racial, social, national or religious discrimination;
- (b) take effective measures to secure immediate and complete abolition of forced and compulsory labour as specified in paragraph (a) above.

In 2014 C029 was amended by the **Protocol to the Forced Labour Convention, 1930 (P029)**. The amendments introduced by P029 were substantial as they repealed all transitional provisions contained in C029, which represented the bulk of its provisions.¹⁶ P029 reaffirms the definition of the notion of “forced and compulsory labour” and stipulates that therefore the measures referred to in the Protocol should include specific action against trafficking in persons for the purposes of forced and compulsory labour (art. 1.3).

In giving effect to their obligations under C029 to suppress forced and compulsory labour, Parties are required to:

- (a) take effective measures to prevent and eliminate its use, to provide victims protection and access to appropriate and effective remedies (art. 1.1);
- (b) develop, in a participatory manner, a national policy and plan of action for the effective and sustained suppression of forced and compulsory labour (art. 1.2);
- (c) take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced and compulsory labour, as well as the provision of other form of assistance and support (art. 3);
- (d) ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation (art. 4.1);
- (e) take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour (e.g., IUU fishing activities conducted by fish workers or crew members in condition of forced or compulsory labour) (art. 4.2); and
- (f) cooperate with each other to ensure the prevention and elimination of all forms of forced and compulsory labour (art. 5).

P029 stresses the need for Parties to take effective measures for the prevention of forced and compulsory labour and provides a non-exhaustive list of such measures including:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (c) undertaking efforts to ensure that:

¹⁶ See article 7 of P029 which provides that articles 3 to 24, as well as article 1, paragraphs 2 and 3, of C029 are abrogated.

- (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
- (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour (art. 2).

1.4.2 Labour Inspection Convention

The ILO Governing Body has also designated another four conventions as governance (or priority) instruments, thereby encouraging ILO Member States to ratify them because of their importance for the functioning of the international labour standards system. It includes the Labour Inspection Convention, 1947 (No. 81). This Convention applies to the inspection of industrial and commercial workplaces, allowing for the possible exclusion of mining and transport undertakings. Under Convention No.81, labour inspection is also limited to those industrial workplaces where relevant legal provisions are actually enforceable. In many countries, labour inspections of fishing vessels are either carried out infrequently or not carried out at all.

The provisions of the Convention cover the functions and responsibilities of labour inspection systems, requirements for the recruitment of staff, resources for inspectors and their enforcement powers, and their obligations, independence and impartiality. Other stipulations include the need for the reporting of accidents and diseases, and for annual reports on the work of the inspection authority.

1.4.3 Work in Fishing Convention (C188)

Fundamental ILO Conventions are supplemented by technical conventions. Among these conventions, the Work in Fishing Convention, 2007 (No. 188).

The objective of the Work in Fishing Convention (C188), as provided in its preamble, is “to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security”.

The Work in Fishing Recommendation, 2007 (No. 199) was adopted along with C188 and provides further guidance on the implementation of the Convention.

To date, C188 has been ratified by only 25 countries, including 5 IOTC Contracting Parties (CP), namely France, Kenya, South Africa, Thailand and the United Kingdom (see table 1 below). It should be noted that Spain has also ratified C188. While Spain is not an IOTC Contracting Party, it operates a tuna fishing fleet in the IOTC area of competence as an EU Member State.

C188 is widely recognized as setting a **generally accepted global minimum standard for crew protection on fishing vessels**. It should be emphasized that that this is a minimum floor setting the absolute baseline for acceptable working and living conditions on board fishing vessels.

Scope

C188 applies to:

- (a) all kind of commercial fishing operations either at sea or in inland waters (lakes, rivers, canals or other freshwater bodies). Only subsistence fishing and recreational fishing are expressly excluded from the scope of the Convention (art. 1(a)). Since it applies to capture fisheries only, it does not cover any form of aquaculture or fish farming;
- (b) all ships, vessels or boats of any type whatsoever (i.e. regardless of tonnage, size or length, propulsion type, whether decked or not), and irrespective of the form of ownership, which are used or intended to be used for commercial fishing (art. 1(g)). It applies only to vessels harvesting the fish. Consequently, it excludes any fish carrier vessels (e.g. reefers, transport vessels), any support vessels (e.g. vessels deploying, managing and retrieving fish aggregating devices in the tuna purse seine fishery, or any other vessels supporting fishing operations such as bunker ships) and any vessels involved in fish processing, but not catching fish. These vessels are covered by the Maritime Labour Convention, 2006 (MLC 2006);
- (c) all fishers. For the purposes of the Convention, a “fisher” is construed as every person employed or engaged in any capacity on board any fishing vessel, including persons working on a vessel who are paid on the basis of a share of the catch. However, the term “fisher” does not include pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessels and fisheries observers (art. 1(e)).

While C188 contains standards for all vessels, it provides, in certain areas, **higher requirements for vessels of 24 meters in length and over and for those that remain at sea for more than 3 days.**

Competent authority and coordination

Each Member State is required to designate the competent authority or authorities for the implementation of C188 and to establish mechanisms for coordination among relevant authorities for the fishing sector at the national and local levels (art. 7).

Responsibilities of fishing vessel owners, skippers and fishers

It is the overall responsibility of the fishing vessel owner to ensure that the skipper is provided with the necessary resources and facilities to comply with C188 obligations.

The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel (art. 8).

Minimum requirements for work on board fishing vessels

The minimum standards for work on board fishing vessels are the following:

- (a) The minimum age for work on board a fishing vessel is 16 years old. However, the Convention makes provisions for the competent national authority to authorize a minimum age of 15 to work as fishers for persons, who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing, or who perform light work during school holidays. For activities raising serious safety and security concerns (hazardous work and night work), only fishers at least 18 years of age should be allowed to carry out such activities (art. 9);
- (b) No fishers shall be allowed to work on board a fishing vessel without a valid certificate attesting to fitness to perform their duties. Exemption can be granted, except for fishers working on a fishing vessel 24 m in LOA and over (art. 10).

Conditions of service

The main conditions of service include the following:

(a) Manning and hours of rest

Fishing vessels are required to be sufficiently and safely manned for the safe navigation and operation of the vessel, and to be under the control of a competent skipper (art. 13). Fishers on board are to be given regular periods of rest of sufficient length to ensure safety and health. Minimum hours of rest must not be less than: (i) 10 hours in any 24-hour period; and (ii) 77 hours in any 7-day period (art. 14).

(b) Work agreement and crew list

The Convention requires fishers to have a signed work agreement containing the minimum particulars set out in Annex II of the Convention. It provides that it is the responsibility of the vessel owner to ensure that each fisher has a written work agreement signed by both parties. It is also critical that fishers clearly understand the terms and conditions of the work agreement (art. 16).

Each fishing vessel is required to carry a crew list (art. 15).

(c) Payment of fishers

Fishers who are paid a wage are to be guaranteed a monthly or other regular payment. The reference to payments in the Convention includes all earnings, including overtime pay, bonuses, allowances, paid leave and shares in the proceeds of the catch. Fishers are to be given a means to transmit the payments they receive to their families at no cost (art. 23 and 24).

(d) Repatriation

Fishers on a fishing vessel that enters a foreign port are entitled to be repatriated when their work agreement has expired or has been terminated for justified reasons by the fisher or the fishing vessel owner or as the result of any of the other circumstances set out in the Convention. Fishers should normally be repatriated at the expense of the fishing vessel owner, except where fishers have been found to be in serious default of their work agreement's obligations. If the owner fails to repatriate a fisher, the flag State must arrange for the repatriation and may then seek to recover the repatriation costs from the fishing vessel owner (art. 21).

(e) Recruitment and placement of fishers

It is the responsibility of each Member State to regulate any public or private service providing recruitment and placement for fishers which operates on its territory. With respect to private services, it shall do so in conformity with a standardized system of licensing or certification or other form of regulation.

Each Member State shall, by law, regulations or other measures, require that no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher (art. 22).

This provision is particularly important to ensure the protection of migrant fishers, even more so in the tuna fishing industry, where it is not uncommon that a majority of, or the whole, crew is made up of migrant fishers.

In 2017, the ILO held a tripartite meeting on issues relating to migrant fishers as part of the follow-up to the Resolution concerning the promotion of welfare for fishers adopted at the 96th Session (2007) of the ILC.¹⁷

In its Conclusions,¹⁸ the Meeting emphasized that migrant fishers were particularly vulnerable to the risk of forced labour and serious decent work deficits such as: abusive and fraudulent recruitment and placement practices, isolation and abuse of vulnerability, abandonment, absence of a written fisher's work agreement, underpayment and withholding of wages, retention of identity documents, blacklisting when asserting rights, violence and intimidation, illicit transfer of fishers at sea, excessively long hours and other abusive working and living conditions.

Importantly, the Meeting stressed the need to ensure the adequate regulation of national and international recruitment and placement services and to investigate and regulate informal labour brokers. It also recognized that there is insufficient guidance available on international recruitment of fishers.

In 2025, ILO developed a set of Guidelines on Fair Labour Market Services for Migrant Fishers¹⁹ designed to support governments and social partners in establishing fair, effective and sustainable labour market services by clarifying the roles and responsibilities of all relevant actors across the recruitment and employment cycle. They provide guidance on recruitment processes, work agreements, complaint and grievance mechanisms, enforcement measures and related safeguards aimed at ensuring fair treatment, protecting migrant fishers' rights and supporting employers in recruiting and retaining a skilled workforce. The Guidelines adopt a comprehensive, multi-jurisdictional approach, addressing the roles of States of origin, recruitment, flag, port and coastal States, as well as labour recruiters, fishing vessel owners and migrant fishers and their representatives. Their implementation is supported by a set of practical tools to operationalize fair recruitment and employment practices, together with supplementary guidance to strengthen data collection and improve the availability of reliable statistics on migrant fishers.

Accommodation and food

The Convention requires that accommodation on board fishing vessels be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time the fishers live on board (art. 26). Technical requirements are laid down in Annex III.

The fishing vessel owner is required to provide, at no cost to the fishers, food of a sufficient nutritional value, quality and quantity and potable water of quality and in sufficient quantity (art. 27).

Medical care and health protection

The Convention requires that fishing vessels carry appropriate medical equipment and medical supplies for the service of the vessel and have at least one fisher on board who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies (art. 29).

¹⁷ See https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/normativeinstrument/wcms_177291.pdf

¹⁸ See https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_576895.pdf

¹⁹ <https://www.ilo.org/resource/other/guidelines-fair-labour-market-services-migrant-fishers>

More stringent requirements apply for fishing vessels of 24 m in LOA and over, taking into consideration the number of fishers on board, the area of operation and the duration of the voyage. It includes the requirement for these vessels, when at sea, to have access to a prearranged system of medical advice by radio or satellite communication, which shall be available at all times (art. 30).

Occupational safety and health and accident prevention

The Convention sets out requirements with regard to prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels. They include provisions on risk evaluation and management, the training of fishers in handling various types of fishing gear, and on-board instruction of fishers. There are more stringent requirements for fishing vessels 24 m in LOA and over, including: (i) establishment of on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; (ii) provision of appropriate personal protective clothing and equipment to each individual fisher; and (iii) provision of basic safety training to every fisher (art. 31 to 33).

Social security

It is the responsibility of all Member States to: (a) ensure that fishers ordinarily residents in their territory, and their dependants, are entitled to benefit from social security protection under conditions no less favourable than those applicable to other workers; and (b) achieve progressively comprehensive social security protection for fishers, taking into account the principle of equality irrespective of nationality (art. 34 to 37).

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

Within the fishing sector, protection for work-related sickness, injury or death may be ensured through: (a) a system for fishing vessel owners' liability; (b) compulsory insurance, workers' compensation or other schemes.

In the event of injury due to occupational accident or disease, the Convention requires that the fisher must have access to: (a) appropriate medical care; and (b) the corresponding compensation in accordance with laws and regulations (art. 38).

Recognizing that national labour laws may not appropriately cover work at sea on board fishing vessels, the Convention requires that each Member State adopts laws and regulations or other measures to ensure that fishing vessel owners are responsible for the provision to fishers on vessels flying its flag, of health protection and medical care while employed or engaged or working at sea or in a foreign port (art. 39).

Compliance and enforcement

The Convention provides for a number of measures to be taken by a Member State to effectively exercise its jurisdiction and control over vessels authorized to fly its flag. These include inspections, reporting, complaint procedures, appropriate penalties and corrective measures in accordance with national laws and regulations (art. 40).

Fishing vessels remaining at sea for more than 3 days, which are 24 m in LOA and over, are required to carry a valid document issued by the competent authority stating that the vessel has been inspected for compliance with the provisions of C188 concerning living and working conditions (art. 41).

In the event a Member State receives a complaint or obtains evidence that a fishing vessel flying its flag does not comply with the requirements of C188, it has the legal obligation to investigate the matter and ensure that corrective measures are taken to remedy any deficiencies found (art. 43.1).

If a Member State, in whose port a foreign-flagged fishing vessel calls in the normal course of its business or for operational reasons, receives a complaint or obtains evidence that such vessel does not conform to the requirements of C188, it may notify the flag State and take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health. This may include the detention of the vessel for the time necessary to remedy the deficiencies found, provided that the Member State must not unreasonably detain or delay the vessel (art. 43.2 and 3).

Implementation by States parties to the Convention

Recognizing the diversity of conditions of work in the fishing industry (e.g. small-scale fisheries, trawl fisheries, tuna fisheries, inland fisheries), the Convention was conceived as an adaptable instrument containing several flexibility mechanisms (exclusion possibilities, progressive implementation and substantial equivalence) to allow for implementation measures that are adapted to national or local circumstances (art. 3 and 4).

Table 1 - Ratification of relevant ILO Conventions by IOTC Contracting Parties

Countries	Fundamental Conventions*	C029	P029	C081	C188
Australia	10	2 Jan 1932	31 Mar 2022	24 June 1975	
Bangladesh	10	22 June 1972	20 Jan 2022	22 June 1972	
China	7 (C87, C98 and C187)	12 Aug 2022			
Comoros	8 (C155 and C187)	23 Oct 1978	15 July 2021	23 Oct 1978	
<i>European Union**</i>					
France	10	24 June 1937	7 June 2016	16 Dec 1950	28 Oct 2015
India	6 (C87, C98, C155 and C187)	30 Nov 1954		7 Apr 1949	
Indonesia	9 (C155)	12 June 1950		29 Jan 2004	
Iran	6 (C87, C98, C138 and C187)	10 June 1957			
Japan	8 (C111 and C155)	21 Nov 1932			
Kenya	7 (C87, C155 and C187)	13 Jan 1964		13 Jan 1964	4 Feb 2022
Korea	9 (C105)	20 Apr 2021		9 Dec 1992	
Madagascar	10	1 Nov 1960	11 June 2019	21 Dec 1971	
Malaysia	8 (C87 and C111) ²⁰	11 Nov 1957	21 Mar 2022		
Maldives	8 (C155 and C187)	4 Jan 2013			
Mauritius	10	2 Dec 1969		2 Dec 1969	
Mozambique	9 (C187)	16 June 2003	14 June 2018	6 June 1977	

²⁰ Malaysia ratified C105 on 13 October 1958. However, it is no longer bound by that Convention as it denounced it on 10 January 1990.

Oman	5 (C87, C98, C100, C111, C155 and C187)	30 Oct 1998			
Pakistan	8 (C155 and C187)	23 Dec 1957	14 Mar 2025	10 Oct 1953	
Philippines	9 (C155)	15 July 2005		5 Nov 2024	
Seychelles	9 (C187)	6 Feb 1978		28 Oct 2005	
Somalia	8 (C100 and C138)	18 Nov 1960			
Sri Lanka	8 (C155 and C187)	5 Apr 1950	10 Apr 2019	3 Apr 1956	
South Africa	9 (C187)	5 Mar 1997		20 June 2013	20 June 2013
Sudan	8 (C155 and C187)	18 Jun 1957	17 Mar 2021	22 Oct 1970	
Tanzania	8 (C155 and C187)	30 Jan 1962			
Thailand	8 (C87 and C98)	26 Feb 1969	4 June 2018		30 Jan 2019
UK	9 (C155)	3 June 1931	22 Jan 2016	28 Jan 1949	11 Jan 2019
Yemen	8 (C155 and C187)	14 Apr 1969		29 July 1976	

*In brackets are the fundamental Conventions that have not been ratified by IOTC Contracting Parties

**All EU Member States are Members of the ILO. However, the European Union (EU) is not a member of the ILO.

Table 1 above summarizes the level of adherence to ILO fundamental Conventions, the Labour Inspection Convention, 1947 (C081) and C188 by IOTC Contracting Parties.

Most IOTC Contracting Parties have ratified at least seven ILO fundamental Conventions and five of them have ratified all ten fundamental Conventions.

While all IOTC Contracting Parties have ratified the Forced Labour Convention, 1930 (C029), only twelve of them have also ratified the 2014 Protocol (P029). Nonetheless, the sixteen IOTC Contracting Parties that have not ratified P029 have a duty to report annually on their efforts and progress in realizing measures targeted by the Protocol in accordance with the reporting mechanism under the 1998 Declaration on Fundamental Principles and Rights at Work and Its Follow-Up.²¹

To date only 5 IOTC countries have ratified C188. While this may seem quite a low number, it should be put in perspective as, so far, only 25 countries have ratified C188 worldwide.

2. Protection of fishers' social rights in regional conventions and other instruments applicable in IOTC Area of Competence

2.1 Southern African Development Community (SADC) Protocol on Fisheries

In 2001, the SADC Protocol on Fisheries (the Protocol) was endorsed by the SADC Heads of State and Government to optimize the benefits of fisheries and aquaculture in the region by promoting responsible and sustainable use and management of aquatic living resources and aquatic ecosystems.

²¹ Reporting under the Declaration complements the regular standards supervisory mechanism, which specifically deals with the Member States' application of ratified ILO Conventions. It focuses on efforts to realize the principles of the Conventions in States which have not yet ratified them.

Article 15 of the Protocol on human resources development provides in its paragraph 5 that:

“State Parties shall:

- a) encourage and guide the fishing industry to promote the welfare and working conditions of all employees; and
- b) adopt standards, not less favourable than minimum requirements of relevant international agreements, on conditions of work.”

This article aims at promoting fishers’ welfare and decent work in the fishing industry and urges States Parties to adopt labour standards that are at least equivalent to the minimum requirements for work of relevant international agreements. This obviously includes C188 and also relevant measures adopted by Regional Fisheries Organizations.

For many years, no measures were taken to act upon this article. In 2023, the SADC Secretariat, with ILO support, developed a Statement of Commitment (SC) on the Promotion of Decent Work and the Elimination of Forced Labour in the Fisheries Sector in the SADC Region. The SC was presented by the ILO at the 41st Meeting of the SADC Technical Committee on Fisheries, held in March 2024, in Johannesburg, South Africa and was endorsed by the Technical Committee at the end of that meeting. It was then approved by the SADC Ministers of Fisheries in May 2024. An implementation plan was also drawn up to facilitate the implementation of the SC.

The SC is structured around six priority areas, namely:

- (a) improvement of regional cooperation to promote decent work and the elimination of forced labour in the fisheries sector across the SADC Region;
- (b) promotion of the ratification of international treaties, in particular the 2014 Protocol to the Forced Labour Convention, 1930 (No. 29) and the Work in Fishing Convention (No. 188);
- (c) establishment of appropriate labour standards for fishing vessels in line with C188, taking into consideration the different segments of the national fishing fleets and their modus operandi;
- (d) conduct of regular inspections of labour conditions on board fishing vessels;
- (e) access to legal remedies and assistance services for victims of forced exploitation; and
- (f) improvement of social protection for all fishers.

2.2 South West Indian Ocean Fisheries Commission (SWIOFC) Guidelines

In 2019, SWIOFC adopted Guidelines for minimum terms and conditions for foreign fisheries access in the SWIOFC Region which contain several provisions on crew and working conditions on board fishing vessels.

The objective of the Guidelines is to establish a common access regime for the fishing of tuna and tuna-like species by foreign fishing vessels in the SWIOFC Region.

With respect to crew, SWIOFC Member States should require that terms and conditions for fishing crew members be in line with the relevant ILO standards and be applied without any discrimination irrespective of the nationality of crew members.

SWIOFC Member States are urged to require all licensed foreign fishing vessels and all foreign fishing vessels authorised to call at one of their designated ports to comply with the minimum international labour standards, as reflected in C188.

2.3 ASEAN Declaration on the Placement and Recruitment of Migrant Fishers

Providing adequate protection from migrant workers from the Association of Southeast Asian Nations (ASEAN) region is a central political and social issue that has been addressed by the ASEAN in the guiding principles of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers and the guiding principles of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration), which promote decent, humane, productive, dignified, and remunerative employment for migrant workers.

A significant proportion of world's fishers are sourced from the ASEAN region to work on fishing vessels flying the flag of a country other than their own nationality. Cambodia, Myanmar, Indonesia, the Philippines, Thailand and Viet Nam are important sending states for migrant workers in the fishing sector, including to work on board tuna fishing vessels operating in the IOTC area of competence.

To strengthen the protection of migrant fishers, ASEAN Member States adopted the ASEAN Declaration on the Placement and Protection of Migrant Fishers in 2023. The ASEAN Member States resolved to undertake a series of actions, including:

- (i) endeavour, where appropriate, to strengthen measures, in cooperation with the private entities, employers and other partners and dedicate resources to enhance the labour conditions of migrant fishers and ensure their labour rights protection, including but not limited to decent working and living conditions, occupational safety and health, risk evaluation, access to justice, access to social protection with special attention to the workers who are sick, injured or dead, including humanitarian assistance in case of health emergencies and crisis situations for fishers on board;
- (ii) take appropriate and gender responsive measures to identify, address and punish all forms of violence, abuses and exploitation against migrant fishers, including strengthening the institutional capacities and systems of labour inspections and referral systems, occupational safety and health, accident prevention, workplace injury, grievance mechanisms, and to improve inter-agency coordination and labour inspection to effectively protect migrant fishers;
- (iii) Improve the entire migration process of migrant fishers through improvement in ethical and fair recruitment and placement; pre-employment, pre-departure and post-arrival orientations; and access to employment contract or proper documentation in the language they understand;
- (iv) Improve the protection of migrant fishers and their families left behind by ensuring their access to communications, access to information on migration policies, job risks and their rights, and right to any modes of transfer of wages and employment benefits to their families;
- (v) encourage ASEAN Member States to initiate or conclude bilateral agreements among each other and with countries outside the region to facilitate safe and regular migration of migrant fishers especially in recruitment and placement processes, safe repatriation and reintegration, and access to justice and remedies;
- (vi) explore cooperation among ASEAN Member States on data collection and sharing on, but not limited to, case management, recruitment and repatriation of migrant fishers in and outside of ASEAN, and sharing of best practices and lessons learned in the migration process of migrant fishers;
- (vii) promote collaboration and partnerships between ASEAN Member States and with relevant ASEAN external partners, international organizations and other regional and national stakeholders for more effective law enforcement and in protecting ASEAN migrant fishers in the entire migration process.

A set of Guidelines on the Placement and Protection of Migrant Fishers was developed to facilitate the implementation of the Declaration.

3. Comparative review of crew labour standards on board fishing vessels in RFMOs and benchmarking against C188

This section examines the voluntary and binding measures on crew protection adopted by RFMOs across the world. So far, 17 RFMOs including 5 tuna RFMOs have been established.

Traditionally, RFMOs have focused their work on the management of fisheries resources falling within their remit and area of competence. This narrowly focused approach started to change with the recognition of the need to improve the conditions, safety and welfare of observers on board fishing vessels, following incidents involving the death and disappearance of several observers at sea. This led to the adoption of CMM 2017-03 for the protection of WCPFC Regional Observer Programme Observers by the Western and Central Pacific Fisheries Commission (WCPFC) in 2017. With growing evidence and increasing reporting of poor labour conditions for crew on board certain fishing fleets, and occurrences of forced labour and other form of human rights abuses, the urgent need to ensure adequate protection for crew members on fishing vessels was also acknowledged and led to the inclusion of that agenda item in WCPFC's discussions.

To date, five RFMOs, including two tuna RFMOs, have passed measures to address crew labour standards on fishing vessels:

- **WCPFC**²² was the first tuna RFMO to do so with the adoption of non-binding Resolution 2018-01 on Labour Standards for Crew on Fishing Vessels in 2018.²³
- In 2023, the **International Commission for the Conservation of Atlantic Tunas (ICCAT)**²⁴ followed suit and adopted non-binding Resolution 23-20 on Core Principles on Labour Standards in ICCAT Fisheries.²⁵ The same year the **Northwest Atlantic Fisheries Organization (NAFO)**²⁶ adopted non-binding Resolution 1/23 relating to Core Principles on Labour Standards in NAFO Fisheries.²⁷
- In 2024, **WCPFC** passed Conservation and Management Measure for Crew Labour Standards (CMM 2024-04),²⁸ which is **the first, and so far, only binding measure** on crew protection ever adopted by a RFMO. This is an **important milestone** as several WCPFC members challenged the authority of the Commission to adopt measures addressing labour standards on board fishing vessels on the ground that it fell outside the Commission's mandate. It also has the effect on mainstreaming decent work, protection of fisher's labour rights, and welfare of fishers into fisheries management.

²² As of 16 March 2026, WCPFC consists of 26 Members, 7 Participating Territories and 8 Cooperating Non-Members. See <https://www.wcpfc.int/about/who-we-are>

²³ See <https://cmm.wcpfc.int/resolution/resolution-2018-01>

²⁴ As of 16 March 2026, ICCAT consists of 55 Contracting Parties and 4 Cooperators with the status of Cooperating Non-Contracting Party, Entity or Fishing Entity. See <https://www.iccat.int/en/contracting.html>

²⁵ See <https://www.iccat.int/Documents/Recs/compendiopdf-e/2023-20-e.pdf>

²⁶ As of 16 March 2026, NAFO consists of 13 Contracting Parties. See <https://www.nafo.int/About-us/Overview-of-NAFO>

²⁷ See <https://www.nafo.int/Portals/0/PDFs/gc/NAFO-Resolutions.pdf#page=5>

²⁸ See <https://cmm.wcpfc.int/measure/cmm-2024-04>

- In 2024, the **South Pacific Regional Fisheries Management Organization (SPRFMO)**²⁹ passed Decision 18-2024 on Labour Standards on Fishing Vessels in the SPRFMO Convention Area,³⁰ which is non-binding on its members. The same year, the **North Pacific Fisheries Commission (NPFC)**³¹ adopted a non-binding Resolution on Core Principles on Labour Standards in NPFC Fisheries.³²

At the 102nd Meeting of the **Inter-American Tropical Tuna Commission** in September 2024, the US delegation submitted Proposal IATTC-102 L-1 on crew labour standards on fishing vessels to the Commission. This proposal was not adopted. At **SPRFMO**, a binding measure on crew protection is in the process of being negotiated. No agreement was reached at the last Commission's annual meeting that was held in March 2026. Intersessional work will continue with the goal of adopting such a measure at next year's annual meeting in March 2027.

The table in Annex 1 of this document compares the provisions of the five measures on labour standards on fishing vessels adopted so far by the five RFMOs mentioned above (hereinafter in this section referred to as "the five measures considered") against the main provisions of C188. With respect to WCPFC, it was opted to leave out WCPFC Resolution 2018-01 from this review and include WCPFC CMM 2024-04 only as its provisions are broader in scope and binding on the Members.

3.1 Scope

Comparative review

The five measures considered contain similar language requiring Members³³ that their relevant national legislation fully extends to all crew working on fishing vessels flying their flag targeting species under the mandate of the relevant RFMO and operating within the area of competence of that RFMO. The purpose of these provisions is to avoid discrimination among crew members by ensuring equal protection and treatment for migrant fishers. In addition, ICCAT Resolution 23-20 and NAFO Resolution 1/23 specify that workplace safety and health and measures regulating crew labour conditions should extend to all crew, including migrant workers.

WCPFC CMM 2024-04 specifies the categories of fishing vessels authorized to fish in the Convention Area to which the CMM applies in relation to their areas of operation. Fishing vessels operating within the EEZ of one single coastal State and not on the high seas are excluded from the scope of the CMM.

Level of alignment with C188

The scope of four of the five measures considered is in line with C188 as they apply to all fishers and commercial tuna fishing vessels wherever they operate within the area of competence of the relevant RFMO. However, by excluding all vessels fishing exclusively within one single EEZ and not on the high seas in the Convention Area, WCPFC CMM 2024-04 does not conform to C188.

²⁹ As of 16 March 2026, SPRFMO consists of 17 Members and 2 CNCPs. See <https://www.sprfmo.int/about/participation>

³⁰ <https://www.sprfmo.int/assets/Basic-Documents/Convention-and-Final-Act/Article-16-Decisions/Decision-18-2024-Labour-Standards-in-SPRFMO-1Mar2024.pdf>

³¹ As of 16 March 2026, the NPFC consists of 9 Members and 1 CNCP. See https://www.npfc.int/about_npfc/history

³² See <https://www.npfc.int/system/files/2024-07/Resolution%20on%20Core%20Principles%20on%20Labor%20Standards%20in%20NPFC%20Fisheries.pdf>

³³ For ease of reading, the term "Members" in this Part is used to refer broadly to Contracting Parties, Cooperating Non-Contracting Parties and fishing entities to which the measures considered apply.

3.2 Minimum requirements for work on board fishing vessels

The five measures considered are silent on the minimum requirements for work on board fishing vessels (minimum age and medical examination) provided for by C188.

These are two important omissions:

- (a) Regulation of the minimum age to be allowed to work on board fishing vessels is critical to ensure adequate protection, both physical (light work and night work) and moral, of young persons and to prevent occurrence of child labour or exploitation in the fishing industry.
- (b) Requirement of a medical certificate attesting of the fitness of fishers to perform their duties is equally crucial to ensure appropriate protection of fishers' health. Medical examination should be carried out regularly in accordance with national laws and regulations.

3.3 Conditions of service

3.3.1 Manning and hours of rest

Comparative review

None of the five measures considered addresses the issue of manning.

As for rest periods, all but one of the five measures considered (SPRFMO Decision 18-2024) make provisions on this issue. The wording of these provisions, though, is very general in scope:

- (a) broadly requiring vessel owners or operators to provide crew members with rest periods (WCPFC CMM 2024-04);
- (b) simply mentioning that decent working and living conditions include adequate periods of rest (ICCAT Resolution 23-20, NAFO Resolution 1/23 and 2024 NPFC Resolution).

Neither of these four measures refer to the minimum rest period standard provided in Article 14 1(b) of C188, which states that minimum hours of rest shall not be less than: (i) 10 hours of rest in any 24-hour period; and (ii) 77 hours of rest in any 7-day period.

Regulating working hours and ensuring sufficient rest periods on board fishing vessels is a thorny issue that requires particular attention as excessive working hours and insufficient periods of rest are often reported by crew members employed on board tuna fishing vessels. Fatigue increases the risk of injury. One should bear in mind that excessive overtime is among ILO's eleven indicators of forced labour.³⁴

Finally, it is interesting to note that SPRFMO Decision 18-2024, which has been largely modelled after ICCAT Resolution 23-20, do not mention adequate periods of rest in the list of decent working and living conditions.

Level of compliance with C188

While the issue of manning, which is important to ensure the safety of the vessel, has been completely omitted, the level of compliance with C188 regarding rest periods is poor as it fails short of providing any standard.

3.3.2 Crew list

Comparative review

³⁴ See <https://www.ilo.org/sites/default/files/2025-11/ILO%20Indicators%20of%20Forced%20Labour%202025.pdf>

None of the five measures considered include any provisions requiring that every fishing vessel should carry a crew list. WCPFC CMM 2024-04, however, requires that Members ensure that fishing vessel owners and/or operators carry aboard a record of the provided contact details of each crew member's next of kin or designated contact person. One can (safely) infer from that wording that the vessel owner and/or operator is likely to have an obligation to keep a list of crew members that includes details of next of kin or designated contact person for each listed crew member.

Level of alignment with C188

The level of alignment with C188 crew list requirement is very poor.

The keeping and updating of a crew list is important to check the identity of the crew, locate crew members in case of an emergency, and keep track and monitor changes and transfers of crew. It also contributes to the protection of crew against human trafficking (reporting of transfers of crew at sea).

3.3.3 Fisher's work agreement

Comparative review

All five measures considered encourage or require Members to ensure that terms of employment are:

- (a) set out in a written contract or agreement or other equivalent or comparable arrangement. Where crew members are not employed or engaged by the fishing vessel owner or operator, the fishing vessel owner or operator shall have evidence of contractual or similar arrangements;
- (b) in a form and language that facilitate the crew member or employee's understanding of the terms; and
- (c) agreed by the crew member or employee.

In addition, WCPFC CMM 2024-04 requires that the written contract or agreement is agreed by the crew member prior to departure on the fishing trip and is made available to the crew member. These additional conditions aim at protecting the crew member against any change of the terms of employment once the crew member is at sea and unable to leave the vessel in case of disagreement.

All five measures considered but one (SPRFMO Decision 18-2024) require that crew members should have the ability or opportunity to terminate the contract of employment. This may include the right of termination of the contract in the event of forced or compulsory labour or mistreatment.

To avoid the signing of sketchy work contracts or agreements with few details as used by certain fleets, WCPFC CMM 2024-04 makes provisions for Members to allow fishing vessels owners or operators to use the particulars in Attachment 1 as a guideline for crew employment contracts or agreements. It is important to note that this is left out at the discretion of the vessel owners or operators, which means that Attachment 1 does not provide a minimum standard or template for fisher's work agreement or contract.

None of the five measures considered require that:

- (a) procedures are put in place to allow a fisher to review and seek advice on the terms of the work agreement before it is concluded;
- (b) the fisher's work agreement should be carried on board and that a copy of it should be provided to the fisher; and
- (c) information on the means of settling disputes related to a work agreement is provided to fishers.

Level of alignment with C188

While all five measures considered require that fishers employed on fishing vessels have the protection of an individual work agreement, none of them fulfil all the requirements related to fisher's work agreement under C188 even though WCPFC CMM 2024-04 satisfies most of them.

3.3.4 Repatriation

Comparative review

All five measures considered recognize the right for repatriation of any crew member, if so entitled by national legislation.

In addition, WCPFC CMM 2024-04 provides that it is the responsibility of fishing vessel owners and/or operators to cover costs of repatriation where the early termination of an employment contract is sought by the owner and/or operator, except where the crew member has been found, in accordance with national laws and regulations, to be in breach of contract, that is where a crew member's intentional and serious violation of his/her employment contract justifies a dismissal under applicable national laws and regulations.

Level of alignment with C188

Four of the five measures considered simply acknowledge the right of fishers to seek repatriation, provided it is authorized by national legislation.

None of the five measures considered make provisions requiring the flag State to arrange for the repatriation of the fisher concerned where the fishing vessel owner fails to do so.

3.3.5 Recruitment and placement

Comparative review

All five measures considered contain similar language encouraging Members to work with any entities involved in the recruitment of crew to implement the provisions of these measures.

WCPFC CMM 2024-04 states that it is the responsibility of Members to ensure that fishing vessel owners and/or operators liaise with any crew providers in order to effectively implement all requirements laid out in the CMM. It also requires vessel owners and/or operators, using the services of crew providers from another Member to source crew, to provide information to the WCPFC Secretariat annually on crew providers. It is then the responsibility of the WCPFC Secretariat to make that information available to all Members.

Information sharing on crew providers is critical to ensure fair recruitment and adequate protection of fishers' rights in the fishing industry as many fishing vessels source their crew through private recruitment and placement services. Shortage of manpower to crew fishing vessels by nationals in many countries have led fishing vessels owners/operators to rely on recruitment and placement agencies to source their crew. Therefore, it is not uncommon for the majority of the crew, if not the entire crew except for senior officers, to be made up of migrant workers.

Moreover, ICCAT Resolution 23-20, NPFC 2024 Resolution and NAFO Resolution 1/23 make provisions to prohibit the charging of recruitment fees and related costs to crew members. The purpose of this measure is to avoid that any crew member, in particular migrant workers, end up in a situation of debt bondage.

Level of alignment with C188

SPRFMO Decision 18-2024 simply signals the importance for Members to work with any entities involved in recruitment of crew without providing any specific requirements.

The other four measures considered partially fulfil the requirements set out in Article 22 of C188. They fail to specifically require Members to: (a) establish and maintain a standardized system of licensing or certification for the operation of private recruitment and placement services; and (b) prohibit recruitment and placement services from blacklisting any fishers from engaging for work. In addition, WCPFC CMM 2024-04 does not contain any provisions prohibiting the charging of recruitment fees or other charges to fishers.

3.3.6 Payment of fishers

Comparative review

All five measures considered make provisions for Members to ensure that crew members receive decent and regular remuneration. In addition, WCPFC CMM 2024-04 specifies that the remuneration must be accessible by the crew.

Level of alignment with C188

Alignment with C188 is partial as none of the five measures concerned provides that crew members should be given access to means to transmit all or part of their payments, including advances, to their families at no cost.

3.4 Accommodation and food

3.4.1 Accommodation

Comparative review

All five measures considered provide that minimum or fair working conditions on board should include access for all crew members to conditions that facilitate acceptable or minimum standards of sanitary hygiene.

There is no specific mention of accommodation, except in WCPFC CMM 2024-04 which stipulates that crew members shall be provided with sleeping quarters.

Four of the five measures considered make provisions requiring that crew members are given:

- (a) unmonitored access to communication devices to seek assistance (WCPFC CMM 2024-04);
- (b) access to a communication device at no cost or at a reasonable cost not exceeding the full cost to the fishing vessel's owner and to a designated point of contact in case of concerns related to safety or labour abuse (ICCAT Resolution 23-20);
- (c) access to a communication device at no cost or at a reasonable cost to the crew member, and points of contact in case the of concerns related to safety, health or labour abuses (NPFC 2024 Resolution);
- (d) access to a communication device and a designated point of contact in case of concerns related to safety or labour abuses (NAFO Resolution 1/23).

Unrestricted access to a communication device is critical to break crew members' isolation at sea and provide them with a means of reporting any form of mistreatment. This is particularly relevant for tuna fishing vessels staying at sea for extended periods of time. Interestingly, none of the five measures considered makes reference for communications with relatives and friends to alleviate the strain of isolation at sea.

Level of alignment with C188

Alignment with C188 is minimal. None of the five measures considered provide specific standards for accommodation nor do they address the issue of size and quality of accommodation.

3.4.2 Food and water

Comparative review

All five measures considered provide that decent working and living conditions on board should include access for all crew members to potable or drinking water and food. Only three of them mention that water and food should be in sufficient quantity (WCPFC CMM 2024-04, ICCAT Resolution 23-20 and SPRFMO Decision 18-2024).

WCPFC CMM 2024-04 specifies that food must be in a quantity and quality sufficient to satisfy the dietary needs of crew members, free from adverse substances, and acceptable within a given culture.

Level of alignment with C188

Alignment with C188 is partial. None of the five measures contains any requirement on the quality of water nor any provision stating that food and water should be provided at no cost to the fishers.

3.5 Medical care, health protection and social security

3.5.1 Medical care

Comparative review

All five measures considered provide that decent and working conditions on board should include access for all crew members to medical care.

NPFC 2024 Resolution encourages Members to make every effort to ensure access to medical supplies for all crew, including migrant workers.

Alignment with C188

Alignment with C188 is minimal as, except for NPFC 2024 Resolution, no specific requirements as set out in the provisions of Articles 29 and 30 of C188 are mentioned.

3.5.2 Occupational safety and health (OSH) and accident prevention

Comparative review

All five measures considered make provisions for Members to ensure a safe working environment on fishing vessels with minimum risk to health and wellbeing and access to operational or occupational safety protection.

Members are also required to ensure that fishing vessel owners or operators provide access to:

- (a) appropriate safety equipment on board fishing vessels (ICCAT Resolution 23-20, NAFO Resolution 1/23, NPFC 2024 Resolution and SPRFMO Decision 18-2024);
- (b) safety training before first deployment on a vessel and at appropriate intervals thereafter (ICCAT Resolution 23-20, NAFO Resolution 1/23, NPFC 2024 Resolution, SPRFMO Decision 18-2024 and WCPFC CMM 2024-04).

Alignment with C188

All five measures considered are partially aligned with the provisions of Articles 31 to 33 of C188.

While none of these measures provide specifically for the training of fishers in the handling of types of fishing gear, it can be assumed that it will be part of the safety training to be provided by vessel owners.

There is no requirement for:

- (a) the conduct of risk evaluation in relation to fishing and the involvement of fishers or their representatives in this evaluation;
- (b) the establishment of on-board procedures for the prevention of occupational accidents, injuries and diseases by fishing vessel owners.

3.5.3 Social security

The issue of social security protection is not addressed in any of the five measures considered.

The purpose of this section is to ensure comprehensive social security protection for all fishers, including employed and self-employed persons.

3.5.4 Protection in the case of work-related sickness, injury or death

Comparative review

All five measures considered make provisions to ensure that vessel owners provide appropriate insurance or protection for crew members.

ICCAT Resolution 23-20 and NPFC 2024 Resolution are the only two measures that expressly provide for appropriate protections for fishers in case of work-related sickness, injury or death. These protections should be of a standard that should not be less than the standard provided under the flag State domestic laws and regulations.

Furthermore, both ICCAT Resolution 23-20 and WCPFC CMM 2024-04 lay down the necessary operational measures that should be taken in the event a crew member suffers serious illness or injury, is missing or presumed fallen overboard, or dies. These measures contain many similar provisions. It is worth mentioning that ICCAT Resolution 23-20 makes it compulsory for the vessel to immediately cease all fishing operations in the event a crew member dies, is missing or presumed fallen overboard or suffers from serious illness or injury, whereas, under the same circumstances, the requirement is less under WCPFC CMM 2024-04 as the vessel is required to cease fishing operations as soon as practicable.

Interestingly, WCPFC CMM 2024-04 makes provisions for the protection of crew subject to forced or compulsory labour and other mistreatments and spells out the necessary operational measures that are required to be taken by the vessel owner or operator to preserve the safety of the crew member or members concerned.

Alignment with C188

The level of compliance with C188 regarding fishers' protection in the case of work-related sickness, injury or death is high for both ICCAT Resolution 23-20 and WCPFC CMM 2024-04 and even exceeds the minimum standard provided in the Convention by laying down the operational measures to be followed under such circumstances and in the event of forced or compulsory labour and other mistreatment.

NPFC 2024 Resolution and SPRFMO Decision 18-2024 are partially aligned with C188.

3.6 Compliance and enforcement

Comparative review

Four of the five measures considered (except WCPFC CMM 2024-20) contain similar language:

- (a) reiterating the responsibility of the flag State in exercising effective control over vessels flying their flag and due diligence to improve and enforce requirements regarding labour conditions on board fishing vessels;
- (b) providing for the adequate enforcement of all relevant legislation and applicable labour standards, including identifying and prosecuting breaches of relevant national laws pertaining to the treatment of crew by vessel operators landing fish in their ports or operating in their waters. Provisions in the SPRFMO Decision 18-2024 do not cover vessels landing fish in Members' ports.

Importantly, ICCAT Resolution 23-20, NPFC 2024 Resolution and WCPFC CMM 2024-04 contain provisions on port State control:

- (a) ICCAT Resolution 23-20 encourages the carrying out of port inspections of any fishing vessel flying the flag of a Member entering the port of another Member to detect possible labour rights violations, including forced labour. Port Members are encouraged to notify the flag Member of relevant evidence or support investigation and, where appropriate, prosecution by the flag Member, and to take appropriate action with respect to the vessel and its master consistent with applicable laws;
- (b) NPFC 2024 Resolution encourages Members to detect possible labour rights violations in a vessel during port inspections, including forced labour, and notify flag Members of relevant evidence. It also urges port Members to support investigation and, where appropriate, prosecution by the flag Member, and to take other suitable action with respect to the vessel and its master consistent with applicable laws;
- (c) WCPFC CMM 2024-04 provides that when after disembarkation, a crew member reports to the port Member an allegation of forced or compulsory labour and other mistreatment while on board the fishing vessel, the port Member is required to notify, in writing, the flag Member and the WCPFC Secretariat. Upon notification, the flag Member has an obligation to: (i) investigate the allegations and take any appropriate action in response to the results of the investigation; and (ii) cooperate fully in any other investigation conducted. Where notified by a flag Member that a crew member may have experienced forced or compulsory labour and other mistreatment, the port Member has a duty to facilitate entry into port of the fishing vessel to allow disembarkation of the crew member to the extent possible under national law and assist in any investigations if so requested by the flag Member.

Furthermore, WCPFC CMM 2024-04 requires that any flag Member that has reasonable grounds to believe that a crew members' health and safety is endangered or that a crew member has been subject to forced or compulsory labour or mistreatment, the flag Member has an obligation to ensure that the owner or operator of the fishing vessel takes the necessary measures to ensure the safety of the crew member.

Level of alignment with C188

While there is a general requirement for flag States to exercise effective jurisdiction and control over fishing vessels flying their flag to ensure compliance with labour requirements on board, none of the five measures considered provide for the carrying out of regular inspections of labour standards on

board fishing vessels flying their flag nor the issuance of a valid document issued by the competent authority stating that the vessel has been inspected and meet those standards.

Importantly, several measures stress the importance of carrying out port inspections by port States competent authorities to detect possible violations of fishers' rights in vessels landing fish in their ports or operating within the waters under national jurisdiction.

3.7 Conclusions of comparative review and benchmarking

Table 2 below summarizes the level of alignment of existing RFMOs' measures on crew protection with C188. It shows that none of the measures adopted by ICCAT, NAFO, NPFC, SPRFMO and WCPFC are in full alignment with C188, irrespective of their being binding or not on Members. In other words, **labour requirements currently enshrined in relevant RFMOs' measures are below the global minimum labour standard set out in C188**. This situation reflects the low level of ratifications of the Convention, notably by major fishing countries. It also translates the diverging views of Member States on the legitimacy of RFMOs to address the issue of labour standards and crew protection on board fishing vessels.

The five measures considered are **silent** on the issues of minimum age, medical examination, manning, crew list and social security. Moreover, the issues of rest periods, repatriation, accommodation and medical care are mentioned in very broad and general terms.

While it was recognized that all fishers employed on board fishing vessels needed to be protected by an individual written work agreement, only WCPFC CMM 2024-04 laid down the particulars that may be included in a crew agreement. However, **no consensus on the particulars to be included in any fisher's work agreement, at a minimum**, was reached as the attachment to WCPFC CMM 2024-04 is conceived as a guideline that can be used or not by vessel owners or operators. It was also acknowledged that crew members may not be employed or engaged directly by the fishing vessel owner or operator and that, in such circumstances, evidence of contractual or similar arrangements should be provided to the vessel owner. **No further details nor additional information on the type of evidence to be provided** by the recruitment and placement services or other entities, which have employed or engaged the fishers, were included in WCPFC CMM 2024-04, NAFO Resolution 1/23, NPFC 2024 Resolution or ICCAT Resolution 23-20. This is unfortunate as this requirement is quite vague and, as it stands, does not offer much protection to migrant fishers.

As mentioned above, it is common practice in the tuna fishing industry to recruit migrant workers to crew tuna fishing vessels through recruitment and placement services. This practice makes fishers particularly vulnerable to rogue private recruitment and placement agents or brokers, including through the charging of excessive recruitment and placement fees and related costs and the signing of inappropriate work agreements. Hence the requirement in C188 for Members to regulate such services established on their territory through a standardized system of licensing or certification or other form of regulations. While the five measures considered address this issue, **requirements are limited in scope** as they only require or urge Members to work with recruitment and placement services to implement the provisions of such measures, share information on such services (WCPFC CMM 2024-04) and prohibit the charging of recruitment fees and related costs to fishers (ICCAT Resolution 23-20, NPFC 2024 Resolution and NAFO Resolution 1/23).

OSH and accident prevention is a central issue in the fishing industry as fishing is widely recognized as one of the most dangerous occupations in the world. This issue is partially addressed by all five RFMOs' measures. Adequate implementation of such measures, however, does require **the development of specific OSH measures by segment of the tuna fishing fleet** that are adapted to the type of fishing

operations, the modus operandi of the vessel and the fishing gears used (e.g. purse seine, gill net, pole and line, longline).

Protection in case of work-related sickness, injury or death is one area where measures adopted by WCPFC and ICCAT **exceed** the minimum requirements set out by C188 by laying down the operational measures to be followed in the event a crew member dies, is missing or presumed fallen overboard, or suffers from a serious illness or injury. Moreover, WCPFC CMM 2024-04 spells out the procedure to be followed in the event a crew member has been subject to forced or compulsory labour or other mistreatment that **goes beyond the scope** of C188.

Compliance and enforcement are partially addressed by the five measures considered. Labour standards regulating living and working conditions on board fishing vessels are established by the legislation of the flag State. Hence the **primary responsibility of the flag State** to ensure compliance with applicable labour standards on board fishing vessels flying their flag, including through regular inspections. In line with C188, port States have also a role to play to: (a) ensure that vessels calling at their ports and using their port services are compliant with the minimum labour standards set out in C188; (b) detect situations of forced labour during port inspections; and (c) protect victims of forced labour by allowing them to disembark and seek assistance. This stresses the need to **incorporate enforcement of labour standards in Port State Control Schemes**.

Table 2 summarizing the level of alignment of relevant RFMO measures with C188

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 1/23
Scope					
Scope	✓	○	✓	✓	✓
Minimum requirements for work on board fishing vessels					
Minimum age	X	X	X	X	X
Medical examination	X	X	X	X	X
Conditions of service					
Manning	X	X	X	X	X
Hours of rest	▪	▪	▪	X	▪
Crew list	X	X	X	X	X
Work agreement	○	○	○	○	○
Repatriation	▪	○	▪	▪	▪
Recruitment/placement	○	○	○	▪	○
Payment of fishers	○	○	○	○	○
Accommodation and food					
Accommodation	▪	▪	▪	▪	▪
Food and water	▪	○	▪	▪	▪
Medical care, health protection and social security					
Medical care	○	▪	▪	▪	▪
OSH and accident prevention	○	○	○	○	○
Social security	X	X	X	X	X
Protection in case of work-related sickness, injury or death	○	✓	✓	○	▪
Compliance and enforcement					

Compliance and enforcement	○	○	○	■	■
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- mentioned with no specific requirements
 - partially addressed
 - ✓ full alignment
- X not addressed at all or not aligned

4. Review of laws and regulations governing labour standards for fishing vessels in a few selected countries

This section examines how key labour issues for fishing vessels have been addressed in three selected countries, namely South Africa, Spain and Thailand. Due to time constraints, it was not possible to include more countries in this review. All three selected countries have ratified C188. Both South Africa and Thailand are IOTC Contracting Parties coastal States. Spain is not an IOTC Contracting Party nor a coastal State in the Indian Ocean, but is entitled, as an EU Member State, to operate a distant water tuna fishing fleet in the IOTC area of competence.

Information in this section draws on the comments of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) provided in direct requests³⁵ with respect to C188, which are published on the ILO website NORMLEX, the work of the ILO Accelerator Lab 8.7 programme in South Africa as well as research on the internet. The CEACR was set up in 1926 to examine the growing number of government reports on ratified ILO Conventions. To date, it is composed of 20 eminent jurists appointed by the ILO Governing Body for three-year terms. The role of the CEACR is to provide an impartial and technical evaluation of the application of international labour standards in ILO member States.

4.1 South Africa

South Africa was one of the first countries to ratify C188 in 2013. Labour standards for fishing vessels are scattered over the Labour Relations Act, 1995 (Act No. 66 of 1995), the Basic Conditions of Employment Act (BCEA), 1997 (Act No. 75 of 1997), the Merchant Shipping Act, 1951 (Act No. 57 of 1951) as amended and its implementing regulations,³⁶ and the collective agreements concluded by members of the Bargaining Council for the Fishing Industry and Statutory Councils for specific fisheries.³⁷

The Merchant Shipping Act, 1951 (Act No. 57 of 1951) was amended in October 2015 to give effect to the Maritime Labour Convention, 2006 and C188.³⁸ Section 356bis of the Merchant Shipping Act (MSA) provides that, subject to the provisions of this Act, C188 has the force of law in the Republic of South Africa. The text of the Convention, including its Annexes I and III, is reproduced in the eighth schedule of the MSA.³⁹

³⁵ Direct requests relate to technical questions or requests for further information

³⁶ In particular, the Maritime Occupational Safety Regulations, 1994, the Code of Safe Working Practices for Fishing Vessels, and Marine Notice No. 10 of 2017.

³⁷ There is currently no collective bargaining agreement covering the entire fisheries sector nor the tuna fishing sector.

³⁸ Merchant Shipping Amendment Act, 2015 (Act No. 12 of 2015)

³⁹ The Merchant Shipping Act, 1951 is under review. A draft Merchant Shipping Bill B12-2023 was withdrawn in October 2025 to enable consultation with the National Economic Development and Labour Council.

In 2018, South Africa became the first country to detain a foreign-flagged fishing vessel calling at its ports based on the provisions of C188.⁴⁰ In August 2022, the South African Maritime Authority (SAMSA) detained another foreign-flagged fishing vessel for breach of vessel safety regulations and of minimum labour standards as laid out in C188.⁴¹

As of 16 March 2026, South Africa had registered 23 fishing vessels on the IOTC Record of Authorized Vessels (RAV). Out of these 23 vessels, 10 vessels are 24 m in LOA or greater, including 1 pole and line vessel and 9 longliners.

4.1.1 Key labour issues⁴²

a) Minimum age and hazardous work for children

The MSA prohibits the employment of any person under the age of 16 years in any capacity on board a South African ship (section 110).

The Basic Conditions and Employment Act, 1997, through the Regulations on Hazardous Work by Children in South Africa, 2010, regulates and determines what is hazardous work for children. However, these regulations do not contain provisions that deal expressly with work on board fishing vessels.

b) Medical examination

The MSA provides that the master of a South African ship shall not engage a seafarer to serve in that ship without a valid certificate signed by a medical practitioner approved by the competent authority (section 101). Furthermore, the Merchant Shipping (Training, Certification and Safe Manning) Regulations, 2021, provide that every person who is required to be medically fit by the MSA shall hold a medical certificate issued by a medical practitioner approved in accordance with these regulations (regulation 85). The provisions of the 2021 Regulations, however, do not reflect the detailed requirements of articles 11 (e.g. form and contents of medical certificates, frequency of medical examination) and 12 (e.g. minimum content of medical certificate for vessels of 24 m in LOA and over, maximum period of validity of medical certificate) of C188 on medical examination.

c) Hours of rest

While the Merchant Shipping (Training, Certification and Safe Manning) Regulations, 2021, omit to be specific about hours of rest for the fishers on board other than those with specific watchkeeping duties, regulation 95(14) provides that every master and seafarer shall ensure that they are properly rested. In addition, the Code of Safe Working Practices for Fishing Vessels stipulates that in order to minimize accidents owing to fatigue, fishers should be allowed adequate rest periods. However, the minimum standard for rest periods contained in Article 14.1(b) of C188 is not mentioned.

d) Fisher's work agreement

⁴⁰ See https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_634680/lang--en/index.htm

⁴¹ https://www.ilo.org/africa/countries-covered/south-africa/WCMS_858104/lang--en/index.htm

⁴² Note that some information under this section was drawn from the CEACR Direct Requests of 2024 and 2025 published on the ILO website in 2025 and 2026.

See

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTR Y_ID:4419455,102888:NO and

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTR Y_ID:4471704,102888

The MSA provides:

- (i) that the master of every South African ship shall enter into an agreement on behalf of the employer with every seafarer whom the master engages to serve in that ship and that the agreement shall be signed by the master before any seafarer signs it (section 102(1) and (2));
- (ii) that when the crew is first engaged, the agreement shall be signed in duplicate, and one agreement shall be delivered to the proper officer and the other shall be retained by the master (section 103(c)). The Government indicated that SAMSA has informed the fishing industry by Marine Notice that fishers must have a copy of the work agreement;
- (iii) for the particulars to be contained in the work agreement with the crew (section 102(2)). However, it does not entail all the particulars specified in Annex II of C188.

e) Repatriation

The MSA contains several provisions on repatriation, including sections 114 and 140 dealing with termination of service before the expiration of the engagement period, section 116 concerning change of vessel ownership, and sections 154 and 155 relating to distress fishers (e.g. fishers left behind or shipwrecked). The provisions do not cover all the circumstances provided under article 21 of C188. Of note are the provisions of section 114(3) of the MSA which provides for exception to the entitlement to repatriation in the case of a seafarer who is not South African or a citizen of a treaty country (other than the Republic) and who was engaged at a port out of South Africa and discharged at a port outside South Africa. In practice, the administration does not allow any crew member of a South African fishing vessel to be excluded from repatriation, but there is a need to modify the legislation to reflect the practice.

f) Recruitment and placement

In 2017, South Africa adopted the Merchant Shipping (Seafarer Recruitment and Placement) Regulations, 2017, to give effect to the MLC 2006, which applies to any seafarer recruitment or placement service that recruits or places seafarers on ships to which this Convention applies (fishing vessels are expressly excluded from the scope of the MLC). The rationale for the exclusion of fishers from the scope of the 2017 Regulations is that there are no known recruitment and placement agencies operating in the South African fisheries sector. As a result, no mechanism currently exists in South Africa to give full effect to article 22 of C188. A proposal to amend the 2017 Regulations to include fishers has been discussed but, as far as could be ascertained, has not been adopted yet.

g) OSH

Chapter IV of the Maritime Occupational Safety Regulations, 1994, regulates occupational safety on board fishing vessels. It is the responsibility of the employer of every crew to train all his/her employees or cause them to be trained in the proper use and maintenance of safety equipment or other facilities on board the vessel (regulation 35(2)(b)). In complement to these regulations, SAMSA issued the Code of Safe Working Practices for Fishing Vessels, which is a comprehensive and detailed instrument dealing with all safety aspects on board fishing vessels, including safety during fishing operations on board various types of fishing vessels (e.g. bottom and mid-water trawling, purse seining, long-line fishing, tuna-pole fishing) and special safety precautions (eye protection, protective clothing and equipment, and dangerous work).

h) Protection in the case of work-related sickness, injury or death

The Code of Safe Working Practices for Fishing Vessels provides that fishers should be trained and exercised on the procedures to be followed when a person has fallen overboard (section 7.3.1(iv)(d)).

i) Compliance and enforcement

All South African commercial fishing vessels are surveyed at least once a year. After any non-conformities have been attended to, SAMSA issues a Local General Safety Certificate valid for a year.

As part of the port control scheme, SAMSA surveyors use an inspection check list to ensure compliance with C188 by foreign-flagged fishing vessels calling at any designated South African ports.

j) Responses to forced labour

In 2013, South Africa adopted the Prevention and Combatting Trafficking in Persons Act (Act No. 7 of 2013). Any case of forced labour in South Africa or against a South African citizen outside South Africa's territory is dealt with under this legislation. The offence of trafficking in persons covers the delivery, recruitment, transportation, transfer, harbouring, trading or receipt of persons, within and across the borders of South Africa, by the means of threat, use of force or other form of coercion, fraud, abuse of vulnerability, deception, or abduction or by paying to gain consent for the purpose of any form or manner of exploitation (section 4). The notion of "exploitation" includes all forms of slavery or practices similar to slavery, forced labour and servitude. The concept of "forced labour" is defined as "labour or services of a person obtained or maintained: (i) without the consent of that person; and (ii) through threats or perceived threats of harm, the use of force, intimidation or other forms of coercion, or physical restraint to that person or another person" (section 1).

The Act also provides for penalties (section 13) and deals with the identification and protection of victims of trafficking (chapter 4), compensation to victims of trafficking and to States (Chapter 6), return and repatriation of victims of trafficking (chapter 7), and general provisions including international co-operation (chapter 8).

4.1.2 Governance arrangement – Inter-agency cooperation

The competent authority for labour inspection in South Africa is the Directorate of Inspection and Enforcement Services (DIES) under the Department of Employment and Labour (DEL). In practice, labour inspectors have traditionally not inspected vessels and focused exclusively on land-based work places. This was left to SAMSA, as the competent authority to administer and implement the MSA 1951 and, since 2015 with the amendment of the MSA, C188 with respect to commercial fishing vessels.

With ILO's facilitation and support, through the Accelerator Lab 8.7 programme, SAMSA and DEL have engaged in discussions to collaborate to improve labour inspection in the commercial fishing sector. This resulted in SAMSA and DEL developing a Joint Implementation Plan for Labour Inspection in the Commercial Fishing Sector, whereby they agreed to carry out joint inspections of fishing vessels in South African ports with DEL focusing primarily on the compliance of fisher's work agreements with the BCEA (for South African fishing vessels) and C188 (for both South African fishing vessels and foreign fishing vessels calling at South African designated ports). The implementation of the Plan began in November 2024. The document was conceived as a work in progress to be tweaked as per experience gained through the implementation by both departments.

4.2 Spain

Spain became the first major distant water fishing nation to ratify C188 in 2023 and remains the only one so far. The regulations governing working conditions in fishing activities in Spain are set out in

Royal Decree 618/2020 of 30 June 2020 establishing improvements in working conditions in the fishing sector. This Decree incorporated into Spanish Law Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche). It is important to note that the Royal Decree has not been updated or modified following Spain's ratification of C188 in 2023.

Spanish tuna fishing vessels operating under the framework of Sustainable Fisheries Partnership Agreements (SFPAs) are bound by the provisions of the protocols governing the embarkation of seafarers from the country with which the Agreement is signed. There are currently two protocols in force under the SFPAs with Madagascar and Mauritius in the IOTC area of competence.

As of 16 March 2026, Spain had registered 56 fishing vessels in the IOTC RAV all of which are 24 m in LOA or greater, including 12 purse seiners and 40 long line vessels.

4.2.1 Key labour issues⁴³

a) Minimum age and hazardous work

The Law on Workers' Statute⁴⁴ provides that:

- (i) the minimum age for work shall be 16 years;
- (ii) workers under the age of 18 shall not perform night work (article 6).

Royal Decree 618/2020 introduces an additional provision to complement article 6(2) of the Law on Workers' Statute specifying that on board fishing vessels any work undertaken from 10 pm to 7 am is regarded as night work.

The Act 31/1995 of 8 November 1995 on the prevention of occupational hazards establishes special protection for the safety and health of workers under 18 and over 16 years of age. In particular, before employing young people under the age of 18, the Government is required to establish limitations on their employment in jobs entailing specific risks, following a risk assessment carried out by the employer (article 27).

With regards to self-employed workers under the age of 18, Royal Decree 618/2020 provides that steps shall be taken to ensure that self-employed workers under the age of 18 do not perform night work or engage in activities on board fishing vessels in respect of which Act 31/1995 imposes limitations for employed workers.

b) Medical examination

In accordance with C188 and Council Directive 2017/159, Spain has adopted Royal Decree 505/2024 of 28 May 2024 which regulates medical fitness assessment and health protection for persons employed on board sea-going vessels in the merchant shipping and fisheries sectors, and provides,

⁴³ Note that some information in this section was drawn from the CEARC Direct Requests of 2025 published on the ILO website in 2026. See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4467572,102847:NO

⁴⁴ Royal Decree Law 2/2015 approving the revised text of the Law on Workers' Statute

among other things, the nature of medical examinations and the form and content of medical certificates.

The first medical examination to determine the fitness of any fishers to perform their duties on board a fishing vessel includes, at a minimum, a physical examination, an eye and hearing examination, an electrocardiogram and a blood test. Subsequently, regular medical examinations include, as a minimum, a physical examination, an eye examination every 5 years and a blood test (Annex II).

The form and content of a medical certificate for sea service is provided in Annex IV.

c) Hours of rest

The Royal Decree 1561/1995 of 21 September 1995, which regulates working time at sea, provides that: (i) the total working day should in no case exceed 14 hours in any 24-hour period or 72 hours in any 7-day-period; and (ii) between the end of one day and the start of the next, workers shall be entitled to a minimum rest of six hours (sections 16 and 17).

d) Fisher's work agreement

The Law on Workers' Statute regulates all types of workers' agreements including fishers' work agreements. It provides for the form, duration of validity, particulars, and termination of work agreements. While it does not contain specific provisions for sea-based work, it states that fishers' work agreement shall be made in writing (article 8(2)).

Royal Decree 618/2020 modified Royal Decree 1659/1998 implementing article 8(5) of the Law on Workers' Statute dealing with information for workers on the main elements of the work agreement by introducing specific provisions for work in the fisheries sector. Article 9 provides that:

- (i) any fisher is entitled to seek legal advice prior to signing the work agreement;
- (ii) fisher's work agreements shall be kept on board the vessel and be made available to the fishers and the competent authorities on request. Fishing vessels of up to 24 m in LOA, however, are exempted from this legal obligation, unless they plan to enter a foreign port;
- (iii) the vessel owner is required to provide a copy of the work agreement signed by both parties to the fisher.

The particulars to be contained, at a minimum, in any fisher's work agreement are laid out in article 10. In addition, the competent authority is required to prepare and make available to both the vessel owner and the fishers a model template for a fisher's work agreement in accordance with article 10. The model template shall be written in Spanish and English (additional provision).

e) Repatriation

Royal Decree 618/2020 provides that any fisher employed on board a Spanish flagged fishing vessel has a right to be repatriated to his or her country of residency when the vessel is in a foreign port, where:

- (i) the fisher's work agreement has expired;
- (ii) the fisher's work agreement has been terminated for justified reasons by the fisher or the vessel owner or by both parties;
- (iii) the work is suspended for reasons that are not attributable to the fisher;
- (iv) the fisher is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out under the circumstances.

The cost of the repatriation in the circumstances referred to above shall be borne by the fishing vessel owner, except where the work agreement has been extinguished owing to justified disciplinary dismissal (article 4).

f) Recruitment and placement

No placement agencies can operate in Spain without first having obtained an authorization from the public employment service, which is granted in accordance with the requirements of Royal Decree 1796/2010 of 30 December 2010.

g) OSH

Spain has adopted Royal Decree 1216/97 to transpose into domestic law the provisions of Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels.

It is the responsibility of the fishing vessel owner to ensure that fishers and their representatives are given suitable information and training on safety and health on board fishing vessels and on accident prevention. The training shall cover in particular fire fighting, the use of life-saving and survival equipment, and, for the workers concerned, the use of fishing gears and hauling equipment (article 6).

h) Social security

Spain has adopted a special social security scheme for seafarers which is regulated by Act 47/2015 of 21 October 2015. It is a comprehensive scheme covering workers employed on board fishing vessels.

i) Compliance and enforcement

Labour inspections on fishing vessels are carried out by three authorities responsible for monitoring application and enforcement of applicable labour standards, namely the Labour and Social Security Inspectorate (ITSS), the Marine Social Institute, and the Merchant Shipping Department (MSD), within the limit of their respective competence.

It is worth mentioning that under article 19.1(b) of Act 23/2015 of 21 July 2015, regulating the labour inspection and social security system, the ITSS is not entitled to carry out inspections on vessels flying the Spanish flag if they are outside waters over which Spain exercises sovereignty or jurisdiction. This leaves out the Spanish tuna fishing fleet operating on the high seas or in waters under the jurisdiction of a third State, notably in the Indian Ocean. Under such circumstances, the Spanish Government indicated that for fishing vessels that do not return to a Spanish port or to waters over which Spain exercises jurisdiction within five to two months prior to the expiry of the visit certificate of compliance, inspection visits on board the vessel may be carried out by MSD inspectors or by an authorized body. Once the inspection visit is completed, the vessel owner is required to submit, by electronic means, the inspector or expert report and the remaining documentation for verification by the competent authorities.

k) Responses to forced labour

As an EU Member State, Spain is bound by EU Directive 2011/36/EU of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims as amended by Directive (EU) 2024/1712 of 13 June 2024. The Directive provides that Member States are required to take the necessary measures to ensure that the following intentional acts are punishable: the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use 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, for the purpose of exploitation. It specifies that the notion of “exploitation” includes forced labour or services.

Spain has undertaken efforts to enhance its legal framework through the introduction of a Draft Organic Law on Comprehensive Protection Against Human Trafficking and Exploitation. As far as could be ascertained, this draft law has not been adopted as of yet.

4.3 Thailand

Thailand was the first Asian country to ratify C188 in 2019 and, to date, still remains the only Asian country to have done so. Labour standards for fishing vessels are found in an array of laws and regulations including the Ministerial Regulation concerning Labour Protection in Sea Fisheries Work, B.E. 2557 (2014); the Emergency Decree on Fisheries, B.E. 2558 (2015); the Labour Protection in Fishing Work Act, B.E. 2562 (2019); the Labour Protection Act, B.E. 2541 (1998) as amended; Ministerial Regulation on Occupational Safety, Health and Welfare System for Crews in Fisheries, B.E. 2559 (2016); and the Notification of the Department of Labour Protection and Welfare regarding Employment Contract for Employees in Fishing Work, B.E. 2560 (2017).

As of 16 March 2026, Thailand had registered 9 vessels in the RAV, 6 cargo freezers and 3 research and training vessels. None of these vessels are fishing vessels in the sense of C188.⁴⁵

4.3.1 Key labour issues⁴⁶

a) Minimum age

The Ministerial Regulation on the Protection of Labour in Sea Fisheries, B.E 2557 (2014) provides that an employer shall not employ a person under 18 years of age to work in a fishing vessel (section 4).

b) Medical examination

The Labour Protection in Fishing Work Act, B.E. 2562 (2019) stipulates that “permission under the law on navigation in Thai waters, the law on foreigners’ working management, and the law on fisheries, in respect of the working of fishing labourers, may be granted only in the case where the applicant for permission has a medical certificate indicating readiness, as regards health, for working on board a fishing vessel, including hearing and visual health as well” (section 8). It is unclear whether this requirement applies to all fishers, as defined in C188. Moreover, these provisions, which are general in scope, do not reflect the detailed requirements of articles 10 to 12 of C188 on medical examination and do not specify the period of validity of the medical certificate.

c) Manning and hours of rest

The Ministerial Regulation on the Protection of Labour in Sea Fisheries, B.E 2557 (2014) states that:

⁴⁵ See section 1.4.3 of this document above

⁴⁶ Note that some information under in this section was drawn from the CEARC Direct Requests of 2024 and 2025 published on the ILO website in 2025 and 2026. See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTR Y_ID:4419567,102843 and https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTR Y_ID:4472180,102843:NO

- (i) an employer shall provide a rest period of not less than 10 hours in any 24-hour period and not less than 77 hours in any 7-day period for an employee;
- (ii) in case of emergency or necessity, the employer may require the employee to work during the rest period, provided the employer allocates the rest period without delay and keep a record of it (section 5).

While the requirement for rest periods is aligned with C188, fishers employed on board Thai vessels regularly report limited hours of rest, which increases the risk of injuries and accidents on board.

The Notification of the Marine Department No. 216/2562 regarding the criteria and methods to determine manpower on fishing vessels sets out the maximum manpower for fishing vessels in accordance with the size of the fishing vessel and the types of fishing gears used (section 4).

d) Fisher's work agreement

The Ministerial Regulation on the Protection of Labour in Sea Fisheries, B.E. 2557 (2014) provides that an employer shall prepare a written employment contract in duplicate and provide a copy of it to the employee. Such employment contract shall be in the prescribed form (section 6). Such form is provided in the Notification of the Department of Labour Protection and Welfare regarding Employment Contract for Employees in Fishing Work, B.E. 2560 (2017). This form, however, does not include all particulars required under Annex II of C188.

Furthermore, the employer is required to bring any employee to present himself or herself before a labour inspector once a year from the date of signature of the employment contract (section 6).

e) Repatriation

Provisions on repatriation can be found in section 9 of the Labour Protection in Fishing Work Act, B.E. 2562 (2019), section 15 of the Ministerial Regulation on the Protection of Labour in Sea Fisheries, B.E. 2557 (2014) and section 54 of the Emergency Decree on Fisheries, B.E. 2558 (2015).

The Labour Protection in Fishing Work Act, B.E. 2562 (2019) provides that a fisher employed on a Thai fishing vessel which operates outside Thai waters or which enters a foreign port is entitled to repatriation in the event that:

- (i) the fisher's employment work contract has expired and there is no agreement for its extension;
- (ii) the fisher's employment contract has been terminated by the fisher or the vessel owner or the vessel owner modifies the terms and conditions of the employment contract without the consent of the fisher;
- (iii) due to sickness, the fisher is no longer able to carry out the duties required under the employment contract;
- (iv) the fisher is disembarked in a foreign port (section 9).

Under any of the circumstances described in the paragraph above, and upon request from the fisher to be repatriated, the vessel owner has the duty to take action to repatriate the fisher to the port of embarkment or to the place agreed upon in the employment contract.

There is no specific measure setting out the maximum service period on board after which a fisher is entitled to repatriation.

f) Recruitment and placement

Private recruitment and placement services are authorized in Thailand, subject to permission and registration by the Department of Employment. The Employment Arrangement and Job Seekers Protection Act, B.E. 2528 (1985) states that the application for, and the issuance of, a licence shall be in accordance with the rules, procedures, and conditions as prescribed by Ministerial Regulations (section 8(2)).

Recruitment and placement services are required to charge recruitment and placement fees for fishers to the vessel owners who have a duty to pay such service fees and other costs (section 11 of the Labour Protection in Fishing Work Act, B.E. 2562 (2019)). It is important to note that the process of bringing in migrant workers to work for employers in Thailand is governed by the Foreigners' Working Management Emergency Decree, B.E. 2560 (2017) as amended, and the Memorandum of Understanding (MoU) between Thailand and neighbouring countries (Myanmar, LAO PDR, Cambodia and Vietnam). There is no specific MoU for the fishing industry.

g) OSH

The Ministerial Regulation on the Protection of Labour in Sea Fisheries, B.E. 2557 (2014) requires fishing vessel owners to provide fishers with knowledge on working conditions and training on tool usage and safety equipment (section 17).

Moreover, the Ministerial Regulation on Occupational Safety, Health and Welfare System for Crews in Fisheries, B.E. 2559 (2016) assigns the responsibility to fishing vessel owners to provide basic safety training and training on fishing gears.

h) Protection in case of work-related sickness, injury or death

The Workmen's Compensation Act, B.E. 2537 (1994) as amended provides protection to workers in case of work-related injury, illness, disability and death and establishes a compensation fund. This Act makes provisions for medical care and monthly compensation in the event of injury or sickness and funeral expenses in case of death (sections 13 to 25). Section 22 states that the employer shall not pay compensation when the injury or sickness: (i) occurred due to the employee's loss of control because of the ingestion of alcoholic beverages or addiction; and (ii) was caused willingly by the employee himself or herself or by someone else with his or her authorization. It is unclear, however, whether these provisions apply to sea-based work and thus to fishers, including migrant fishers.

i) Compliance and enforcement

The Labour Protection in Fishing Work Act, B.E. 2562 (2019) empowers an authorized officer to:

- (i) get on board a vessel or enter into a vessel owner's place of business for inspecting employment conditions, working and living conditions, and gathering evidence in case of any wrongdoing;
- (ii) issue a written corrective order;
- (iii) issue a written order prohibiting the use of the vessel for fishing operations until corrective measures have been taken by the vessel owner in the event the vessel owner fails to comply with minimum requirements regarding working conditions, performance of duties, accommodation, food, protection of safety and health on board the vessel (section 16).

Any person wishing to use a fishing vessel of a size prescribed by the Minister responsible for fisheries is required, among other things, to report every port-in and port-out to the relevant Port-In and Port-Out (PIPO) Control Centre (section 88(3)) of the Emergency Decree on Fisheries, B.E. 2558 (2015).

j) Response to forced labour

In 2008, Thailand adopted the Anti-Trafficking in Persons Act, B.E. 2551. Any case of forced labour in Thailand is dealt with under this Act. The notion of “exploitation” includes slavery, forced labour or service. The concept of “forced labour or service” is defined as “compelling the other person to work or provide service by putting such person in fear of injury to life, body, liberty, reputation or property, of such person or another person, by means of intimidation, use of force, or any other means causing such person to be in a state of being unable to resist” (section 4).

The Act also provides for the assistance and protection of victims of human trafficking (chapter 4) and penalties (chapter 6).

4.3.2 Governance arrangement – Inter-agency cooperation

Thailand has put in place the PIPO inspection mechanism to ensure the effective implementation and enforcement of national laws and regulations applicable to fishing vessels and of international agreements and conventions to which Thailand is a party, in particular the Port States Measures Agreement and C188.

PIPO Control Centers have been established in all major Thai sea fishing ports to control and inspect commercial fishing vessels, transshipment vessels and auxiliary vessels entering Thai ports. PIPO is a cooperative mechanism between the Department of Fisheries and the Thai Maritime Enforcement Command Center with the support of the Ministry of Labour through the Department of Employment (DOE) and the Department of Labour Protection and Welfare (DLPW). Part of the PIPO process is the the pier-side inspection of the crew which is carried out by labour inspectors from the DOE and the DLPW. It includes: (i) identity verification of the ship’s master and the crew, counting and interview; (ii) checking of crew documents, identification card, seaman book, work agreement, work permit; (iii) crew list at arrival and departure; (iv) documents on labour conditions, daily rest period, payment of wages, sick leave; and (v) detection of situations of forced labour.⁴⁷

To strengthen the PIPO Control Centers’ monitoring capacity, the Thai Government set up a mobile inspection unit, known as the Flying Inspection Team (FIT). The FIT is mandated to operate random vessel inspections in parallel with the PIPO Control Centers to cross-check inspections conducted by the PIPO Control Centers. It includes inspectors from the DOE and DLPW.⁴⁸

4.4 Lessons learned at the national level

While the review in section 4 of this document is limited in scope due to the low level of countries included therein, one can nonetheless draw a few lessons from this review:

- (a) None of the three countries reviewed in this paper have developed a clear policy, strategy and/or plan of action to promote decent work and protection of fishers’ rights on fishing vessels entitled to fly their flag and ensure adequate protection of national fishers employed on board foreign-flagged fishing vessels. The lack of policy guidance is likely to result in separated actions and measures with no clear-cut objectives.
- (b) The legal framework governing labour standards for fishing vessels is often fragmented. Typically, these standards are found in the merchant shipping law, the labour law and, in some places (e.g. Thailand) in the fisheries law as well. As a result, it is difficult for fishers to know

⁴⁷ https://seafdec.or.th/mcs/boblme/training-2024/downloads/presentations/Day3_PIPO_TH.pdf

⁴⁸

See <https://www.mfa.go.th/en/content/5d5bd0fe15e39c30600228b4?page=5d5bd3da15e39c306002aaf9&menu=5d5bd3da15e39c306002aafa>

with certainty what the extent of their rights is. In many countries, labour laws have been primarily written to regulate labour standards in land-based workplaces and often do not take into consideration the specificities of sea-based work. Hence, certain provisions like working hours and rest periods are not applicable in the fishing industry. In addition, their jurisdiction may not extend to places outside the national territory. Generally, labour laws make provisions governing work agreements, annual leave, sick leave, social security, wages and complaint mechanisms that are applicable across the board. Despite their general scope of application, certain of these provisions may require adjustments to be fit for purpose in the fishing industry. In Namibia, for instance, the Ministry responsible for labour has adopted a notice of variation for the specific purpose of modifying certain provisions of the Labour Act to make them applicable to employers and employees in the fisheries industry. The merchant shipping law regulates social standards for seafarers, which in many countries include fishers. Since merchant ships and fishing vessels do not operate in the same manner and are subject to different requirements under international law, this often requires adoption of specific regulations for the fishing sector (e.g. South Africa). It is therefore the responsibility of each IOTC CPC to ensure that labour standards applicable for fishing vessels flying their flag are clearly established.

- (c) To improve compliance with applicable labour standards for fishing vessels, there is a need for flag States to conduct regular labour inspections of fishing vessels flying their flag and for port States to carry out inspections of foreign fishing vessels calling at designated national ports. For that purposes, IOTC CPCs are encouraged to use specifically designated tools developed by ILO.⁴⁹ Strengthening port inspections requires the establishment of mechanisms for coordination among relevant authorities for the fishing sector. In this regard, both South Africa and Thailand provide two interesting examples. As a complementary measure, IOTC CPCs should ensure that compliance with applicable labour standards is a requirement for the issuance or renewal of a fishing licence in respect of any vessel under national fisheries law.
- (d) Each country follows different procedures to transpose international treaties into their domestic legislation in accordance with their constitution, law and local practice. South Africa, for instance, chose to reproduce the entire text of C188 in an Annex to the MSA and to modify certain provisions of the same. Likewise, IOTC CPCs must ensure that they have put in place an effective process for the domestication of international conservation and management measures.

5. Transferable best practices and lessons learned

As seen in section 3 of this document, adoption of measures on labour standards for crew by RFMOs is an emerging trend as the first measure on this matter was passed in 2018 by the WCPFC. The same adopted the first binding CMM for crew labour standards in 2024. This CMM will take effect on 1 January 2028. Recognizing the urgent need to address this issue in their fisheries, other RFMOs adopted non-binding measures on crew protection in 2023 and 2024. Too little time has elapsed since the adoption of these measures to assess their impact and identify which approaches, processes or methods can be regarded as international best practices in addressing the issue of crew protection on

⁴⁹ See Guidelines for port State control officers at <https://www.ilo.org/resource/other/guidelines-port-state-control-officers-carrying-out-inspections-under-work> and Guidelines on flag State inspection of working and living conditions on board fishing vessels at <https://www.ilo.org/resource/other/guidelines-flag-state-inspection-working-and-living-conditions-board>

board fishing vessels by RFMOs. However, one can draw some lessons and point out some issues that have arisen out of this new development:

- (a) The recent adoption of several measures on crew labour standards by RFMOs is a clear recognition that protection of fishers' labour rights and promotion of decent work and fishers' welfare is an **integral part of fisheries management**⁵⁰ and that therefore this issue falls within RFMOs' mandates.
- (b) As mentioned in section 3.7 and shown in Table 2 of this document, up to now, all measures that have been adopted to promote decent work and crew protection on board fishing vessels, including WCPFC CMM 2024-04, are below the global labour standard for fishing vessels established by C188. It has been argued by some that endorsing substandard measures pose a risk of normalizing inadequate and insufficient protections for fishers. Others are of the view that the adoption of these measures should be regarded as an encouraging first step that will pave the way to the adoption, by RFMOs, of a comprehensive set of measures that will gradually be in full alignment, or even exceed, the requirements of C188. Both arguments have merit and thus to mitigate the risk of promoting inadequate labour standards for fishing vessels, it might be advisable to integrate the promotion of decent work and strengthening of crew protection on board fishing vessels in a **well-defined process or policy** whose ultimate objective is to ensure that all commercial fishing vessels authorized to operate in the IOTC area of competence meet the minimum global standard set out in C188.
- (c) Ensuring adequate protection of migrant fishers' rights is a central issue in tuna fishing operations, notably through the establishment of fair recruitment practices. While it is the responsibility of the country on the territory of which recruitment and placement services are located to adopt appropriate measures to regulate their establishment and operations and monitor their activities, RFMOs have an important role to play in **sharing information on these services**, provided by Member flag States, to identify unscrupulous private recruitment and placement agencies or brokers and avoid use of their services.
- (d) **Integrating labour inspections of fishing vessels in port State control schemes** may be an option to improve compliance with applicable labour standards by both national and foreign-flagged vessels. The importance of port State inspections for the detection of substandard working and living conditions, labour rights' violations, and situations of forced labour has been underlined in several RFMOs' measures. In this regard, it should be emphasized that, in many countries, labour inspectorates have limited human capacity and little experience in inspecting fishing vessels. This raises the issue of the role of other inspectors, and in particular that of fisheries inspectors, in the detection and reporting of labour rights' violations and situations of forced labour on board fishing vessels. This would also require the establishment of clearly defined reporting channels, through referral mechanisms, to the competent authorities and the training of fisheries and other relevant inspectors on applicable labour standards.

⁵⁰ This has already been recognized by articles 6 and 8 of the FAO Code of Conduct for Responsible Fisheries which set out international standards, including for the responsible conduct of fishing activities to allow for safe, healthy and fair working and living conditions on board fishing vessels and meet with internationally agreed standards adopted by relevant international organizations (article 6.17).

- (e) Regarding the development of measures on labour standards, several RFMOs opted for the process of establishing an *ad hoc* Working Group on labour standards, as a first step, to identify actions that could be taken by Members to improve labour standards on board fishing vessels operating in their area of competence. Typically, the Working Group was open to all Members wishing to participate in the discussions. Most of the work was done intersessionally, through online meetings, with reporting at the annual meeting of the Commission. The first step has been the adoption of a non-binding measure.

6. Practical Roadmap for improving labour conditions across IOTC fleets and integrating labour standards into the IOTC framework

As underlined in section 5 of this document, other RFMOs that have addressed the issue of labour standards on board fishing vessels operating within their area of competence have followed a three-step process. A similar approach could be envisaged for IOTC.

The process consists of the following steps:

- (a) **Establishment of an *ad hoc* Working Group** – The Working Group is tasked to identify actions that can be taken by CPCs, individually and collectively, to improve labour standards in IOTC fisheries and to prepare a Recommendation⁵¹ or Resolution on this matter. Participation in the deliberations of the Working Group is open to all CPCs and outside experts on request to inform the work of the Working Group. This may include experts from ILO to provide information on C188, delegates from countries that have ratified C188 to share their experience in implementing the Convention, and representatives from other RFMOs that have adopted labour standards measures to provide insights on the development of such measures.
- (b) **Drafting of a Proposal for a Recommendation or Resolution on crew labour standards to be submitted to the Commission for adoption** - So far, all RFMOs that have adopted measures dealing with labour standards have started with the passing of a non-binding measure. It is likely that IOTC CPCs will follow a similar pathway, provided there is any interest at all to adopt such a measure by CPCs. The reason for this gradual and cautious approach is twofold: (i) the novelty of discussing social and labour issues in the framework of RFMOs. Many delegates may not be conversant with the global minimum standard laid out in C188 and sufficiently knowledgeable on work-related issues on board fishing vessels; and (ii) the low level of adherence to C188. The IOTC Working Group, however, will benefit from the experience of other RFMOs in the conduct of its deliberations.
- (c) **Adoption of a Recommendation or Resolution by the Commission** - There is currently no obligation for IOTC CPCs to provide information on the implementation of Recommendations since these measures are not binding. Should IOTC CPCs opt to develop a Resolution, they will be required to report the measures taken to prepare the implementation of that measure to the IOTC Committee of Compliance.

⁵¹ Recommendations are not binding on the Members and rely on voluntary implementation. The Commission may, by a simple majority of its Members present and voting, adopt a Recommendation concerning conservation and management measures of the stocks for furthering the objectives of the IOTC Agreement (article IX.8 of the IOTC Agreement).

Table 3 – Practical roadmap for improving labour conditions across IOTC fleets and improving labour standards

Key actionable recommendations	Responsibilities and key activities	Indicative timelines
1. Prepare a Recommendation on Establishing an <i>ad hoc</i> Working Group on Labour Standards	Identify one or more Contracting Parties to take the lead to prepare the Recommendation to be presented at next IOTC Annual Meeting	Submit a proposal to the Commission at least 30 days prior to the 2027 IOTC Annual Meeting
2. Adoption of the Recommendation on Establishing the Working Group on Labour Standards	Commission	2027 IOTC Annual Meeting (May 2027)
3. Hold first meeting of the Working Group on Labour Standards (intersessional meeting)	<ul style="list-style-type: none"> • All CPCs can participate in the Working Group • Elect Chairperson • Determine whether to develop a Resolution or a Recommendation • Request each CPC to provide information on applicable labour standards under domestic law (policy, legislation, strategy, institutional arrangements) 	End of July 2027
4. Hold intersessional meetings for the preparation of a Recommendation or Resolution on Crew Labour Standards or Crew Protection	<ul style="list-style-type: none"> • Working Group – Chairperson • All CPCs • Invite outside experts where required • Build on lessons learned from other RFMOs having adopted measures on crew protection 	Last quarter of 2027 and throughout 2028
5. Report progress on the advancement of the deliberations	Working Group - Chairperson	2028 IOTC Annual Meeting
6. Finalize a proposal for a Recommendation or Resolution on Crew Labour Standards or Crew Protection through additional intersessional meetings	<ul style="list-style-type: none"> • Working Group – Chairperson • All CPCs 	End of 2028 Submit the proposal 30 days prior to the 2029 IOTC Annual Meeting
7. Adoption of a Recommendation or Resolution on Crew Labour Standards or Crew Protection	Commission	2029 IOTC Annual Meeting
8. Inform on the measures taken at the national level to implement the Recommendation or Resolution	<ul style="list-style-type: none"> • All CPCs • While there is no reporting requirement for non-binding measures, CPCs should be strongly encouraged to provide information on the measures taken at the national level 	One year after the adoption of the Recommendation or Resolution

ANNEX 1 RFMOs measures governing labour standards for crew against C188 requirements

Table comparing existing measures governing labour standards for crew adopted by RFMOs against C188 requirements

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 23-26
Scope					
<p>Scope (Art. 2 to 5) All fishers All commercial fishing vessels Wherever vessels operate</p>	<p>Members and CNCPS⁵² to make every effort to ensure that their relevant national legislation fully extends to all crew working on fishing vessels flying their flag under the competence of the NPFC in the NPFC Convention Area (p2)</p>	<ul style="list-style-type: none"> • This measure applies to the following categories of fishing vessels authorized to fish in the Convention Area: <ol style="list-style-type: none"> a) vessels fishing exclusively on the high seas in the Convention Area; b) vessels fishing on the high seas and in coastal State EEZs; c) vessels fishing in the EEZs of two or more coastal States (p1). • It is the responsibility of CCMs⁵³ to ensure that relevant national legislation fully extends to all crew members working on fishing vessels flying their flag in the Convention Area (p5). 	<p>CPCs⁵⁴ are encouraged to make every effort to ensure workplace safety and health extend to all crew, including migrant workers, working on vessels flying their flag and engaged in fishing or fishing related activity under the competence of ICCAT in the ICCAT Convention area (p2).</p>	<p>Members and CNCPS to make every effort to ensure that their relevant national legislation fully extends to all crew working on fishing vessels flying their flag and operating within the SPRFMO Convention Area (p2)</p>	<p>Contracting Parties are encouraged to make every effort to ensure that these measures extend to all crew, including migrant workers, working on fishing vessels flying their flag and operating in fisheries managed under NAFO (p.2)</p>

⁵² The acronym “CNCPS” refers to Cooperating Non-Contracting Party

⁵³ The acronym “CCMs” refers to parties of three types namely Members, Participating Territories and Cooperating Non-Members

⁵⁴ The acronym “CPCs” refers collectively to Contracting Parties, Cooperating Non-Contracting Parties and Entities or Fishing Entities

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 23-26
Minimum Requirements for work on board fishing vessels					
<p>Minimum age (Art. 9)</p> <ul style="list-style-type: none"> • 16 years old • Limited exemption for person of 15 years of age may be authorized • 18 years of age for work likely to jeopardize the health, safety or morals of young persons 					
<p>Medical examination (Art. 10)</p> <p>Compulsory for a fisher working on board a fishing vessel 24 m in length and over</p>					
Conditions of service					
<p>Manning and hours of rest (Art. 13 & 14)</p> <p>Fishing vessels are required to be sufficiently and safely manned for the safe navigation and operation of the vessel and be under the control of a competent skipper</p>	<p>Decent working and living conditions include adequate periods of rest (p3.d)</p>	<ul style="list-style-type: none"> • It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members with rest periods (p7.d). • The minimum periods of rest, in accordance with national laws, regulations or other measures may be included in a crew 	<p>Decent working and living conditions include adequate periods of rest (p4.d)</p>		<p>Decent working and living conditions include adequate periods of rest (p1.d)</p>

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 23-26
<p>For any vessel remaining at sea more than 3 days, minimum hours of rest shall not be less than:</p> <ul style="list-style-type: none"> • 10 hours in any 24-hour period • 77 hours in any 7-day period 		<p>employment agreement (p.18 of Attachment 1)</p>			
<p>Crew list (Art. 15)</p> <ul style="list-style-type: none"> • Every fishing vessel is required to carry a crew list • A copy is to be provided to competent authorities prior to departure or immediately after 		<p>CCMs are required to ensure that fishing vessel owners and/or operators carry aboard a record of the provided contact details of each crew member's next of kin or designated contact person (p8.a)</p>			
<p>Fisher's work agreement (Art. 16 to 20 and Annex II)</p> <ul style="list-style-type: none"> • Each fisher shall have the protection of a written work agreement that is comprehensible to him/her and signed by both the fisher and the fishing vessel owner or by an 	<ul style="list-style-type: none"> • Members and CNCPs to ensure fair and understandable terms of employment that are enshrined in a written contract, or other equivalent or comparable arrangement, which are made available to the employee, in a form and language 	<ul style="list-style-type: none"> • CCMs are required to ensure that fishing vessel owners/operators provide terms of employment, that are set out in a written contract or agreement, in a form and language that facilitates the crew member's understanding of the terms, is agreed by the crew member prior to departure on the fishing 	<ul style="list-style-type: none"> • CPCs to ensure that crew members have clear and understood terms of employment that are enshrined in a written work agreement (or other evidence of contractual or similar arrangements); this is made available to the employee, in a form and language that facilitate the employee's understanding of the 	<p>Members and CNCPs to ensure fair terms of employment that are enshrined in a written contract or in equivalent measures, which are made available to the employee, in a form and language that facilitates the employee's understanding of the terms and is agreed by the employee (p3.c)</p>	<ul style="list-style-type: none"> • Contracting Parties to ensure fair terms of employment that are enshrined in a written contract, or other equivalent or comparable arrangement, and made available to the employee, in a form and language that facilitates the employee's understanding of the

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 23-26
<p>authorized representative</p> <ul style="list-style-type: none"> • Fishers’ work agreements are required to be carried on board and be made available to fishers • Where fishers are not employed or engaged by the fishing vessel owner, the latter shall have evidence of contractual or similar arrangements • Minimum particulars to be included in a fisher’s work agreement are laid out in Annex II 	<p>that facilitates the employee’s understanding of the terms, and is agreed to by the employee (p3.c)</p> <ul style="list-style-type: none"> • Members and CNCPs to ensure that crew members have the opportunity to terminate the contract of employment (p3.i) 	<p>trip, and signed by both the crew member and the owner and/or operator. Where crew members are not employed or engaged by the fishing vessel owner and/or operator, the fishing vessel owner and/or operator shall have evidence of contractual or similar arrangements). The written contract or agreement shall be made available to the crew member and, upon request, authorised officers, in accordance with national law and practice (p7.c)</p> <ul style="list-style-type: none"> • It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members with the ability to terminate the contract (p7.f and p11 and 12 of the particulars that may be included in a crew agreement in Attachment 1). 	<p>terms, and is agreed by the employee (p4.c)</p> <ul style="list-style-type: none"> • CPCs to ensure that crew members have the opportunity to terminate the contract of employment (p4.i) 		<p>terms, and is agreed by the employee (p1.c)</p> <ul style="list-style-type: none"> • Contracting Parties to ensure that crew members have the opportunity to terminate the contract of employment (p1.h)

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 23-26
<p>Repatriation (Art. 21)</p> <ul style="list-style-type: none"> • Right to repatriation for any fisher • Cost of repatriation to be borne by the fishing vessel owner, except where the fisher has been found to be in serious default of his/her work contract • Regulate the maximum duration of service periods board and the destinations to which fishers may be repatriated • In the event a fishing vessel owner fails to provide for the repatriation, the flag State has the obligation to arrange for the repatriation and to recover the cost from the fishing vessel owner 	<p>Members and CNCs to ensure crew members are provided with the opportunity to seek repatriation (p3.i)</p>	<ul style="list-style-type: none"> • It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members with the ability to seek repatriation (p7.f) and cover costs of repatriation where the early termination of a contract is sought by the owner and/or operator, except where the crew member has been found to be in breach of contract (p7.g). • The crew employment agreement may provide crew member's entitlement to repatriation and terms of repatriation (Attachment 1, p16) 	<p>CPCs to ensure that crew members are provided with the opportunity to seek repatriation (p4.i)</p>	<p>Members and CNCs to ensure crew members are provided with the opportunity to seek repatriation if so entitled (p3.g)</p>	<p>Contracting Parties to ensure crew member are provided with the opportunity to seek repatriation (p1.h)</p>

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 23-26
<p>Recruitment and placement (Art. 22)</p> <ul style="list-style-type: none"> • Regulation of public and private recruitment and placement services • Private services providing recruitment and placement for fishers to operate in accordance with a standardized system of licensing or certification • Prohibit recruitment agencies or service from using means, mechanisms or lists intended to prevent or deter fishers from engaging for work • No fees or other charges for recruitment or placement of fishers to be borne directly or 	<p>Members and CNCs are encouraged to work with any entities involved in recruitment of crew members to implement the provisions of this Resolution, including promoting the prohibition of recruitment fees and related costs being charged to crew (p5)</p>	<ul style="list-style-type: none"> • When the flag CCM fishing vessel, whose owner/operator uses a crew provider from another CCM to source crew, the CCM is required to provide information to the WCPFC Secretariat annually on crew providers. The information shall contain at a minimum the name, location and contact details of the crew provider. The Secretariat shall make the information available to all CCMs (p3). • It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators liaise with any crew providers in order to effectively implement all requirements set out in this CMM (p4). 	<ul style="list-style-type: none"> • CPCs are encouraged to work with any entities involved in recruitment of crew to implement the provisions of this Resolution (p5) • CPCs to ensure that crew members have clear and understood terms of employment, including the prohibition of recruitment fees and related costs being charged to crew members, that are enshrined in a written work agreement (p4.c) 	<p>Members and CNCs are encouraged to work with any entities involved in recruitment of crew to implement the provisions of this decision (p4)</p>	<p>Contracting Parties are encouraged to, as appropriate, work with any entities involved in recruitment of crew members to implement the provisions of this Resolution, including promoting the prohibition of recruitment fees and related costs being charged to crew (p3)</p>

C188	NPFC Resolution 2024	WCPFC CMM 2024-04	ICCAT Resolution 23-20	SPRFMO Decision 18-2024	NAFO Resolution 23-26
indirectly, in whole or in part, by the fisher					
<p>Payment of fishers (Art. 23 & 24) Fishers are entitled to receive regular payments and transmit all or part of their payments to their families at no cost</p>	Members and CNCPs are encouraged to ensure fair working conditions on board fishing vessels including decent and regular remuneration (p3.g)	It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members, in accordance with the flag CCM's standards or regulations, with decent and regular remuneration that is accessible by crew (p7.e).	CPCs are encouraged to ensure fair and decent working conditions on board including decent and regular remuneration for crew, no less favourable than the flag CPCs domestic laws and regulations for the crew (p4.g)	Members and CNCPs are encouraged to ensure fair working conditions on board fishing vessels including decent and regular remuneration (p3.f)	Contracting Parties are encouraged to ensure fair working conditions on board fishing vessels including decent and regular remuneration (p1.g)
Accommodation and food					
<p>Accommodation and facilities on board (Art. 26 & 28 and Annex III)</p> <ul style="list-style-type: none"> • Sufficient size and quality • Annex III sets out technical regulations governing the design and construction, insulation, noise and vibration, ventilation etc. of fishing vessels accommodation and specifies the 	Members and CNCPs to ensure crew members are provided with decent working and living conditions, including access to acceptable standards of sanitary hygiene (p3.d) and access to a communication device at no cost or at a reasonable cost to the crew member, and points of contact in case the crew member has concerns related to safety, health or labour abuses (p3.f)	It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members with access to sleeping quarters and conditions that facilitate minimum standards of health and hygiene (p7.d) and unmonitored access to communication to seek assistance (p71, Annex III).	CPCs are encouraged to ensure crew members are provided with decent working and living conditions including access to acceptable standards of sanitary hygiene (p4.d) and access to a communication device at no cost or at a reasonable cost not exceeding the full cost to the fishing vessel's owner and a designated point of contact in case of concerns related to safety or labour abuses (p4.f)	Members and CNCPs to ensure crew members are provided with fair working conditions including access to conditions that facilitate acceptable standards of sanitary hygiene (p3.d)	Contracting Parties to ensure crew members are provided with decent working and living conditions on board vessels, including access to acceptable standards of sanitary hygiene (p1.d) and access to a communication device and a designated point of contact in case of concerns related to safety or labour abuses (p1.f)

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facilities to be provided on board					
<p>Food and water (Art. 27)</p> <ul style="list-style-type: none"> • Sufficient in quantity and quality • Food and water to be provided at no cost for the crew members 	<p>Members and CNCPs to ensure crew members are provided with decent working and living conditions on board vessels including access to potable water and food (p3.d)</p>	<p>It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members with clean or potable freshwater and food. Food must be in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable in a given culture (p7.d).</p>	<p>CPCs are encouraged to ensure crew members are provided with decent working and living conditions including sufficient drinking water and food (p4.d)</p>	<p>Members and CNCPs to ensure crew members are provided with fair working conditions on board fishing vessels including access to sufficient drinking water and food (p3.d)</p>	<p>Contracting Parties to ensure crew members are provided with decent working and living conditions on board vessels, including access to potable water and food (p1.d)</p>
Medical care, health protection and social security					
<p>Medical care (Art. 29 & 30)</p> <ul style="list-style-type: none"> • Obligation to carry appropriate medical equipment and medical supplies for the service of the vessel • At least one fisher on board to be qualified or trained in first aid • Requirement for fishing vessels to be equipped for radio or satellite communication 	<ul style="list-style-type: none"> • Members and CNCPs to ensure crew members are provided with decent working and living conditions on board vessels including access to medical care (p3.d) • Members and CNCPs are encouraged to make every effort to ensure access to medical supplies and care to all crew, including 	<p>It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members with access to medical care (p7.d).</p>	<p>CPCs are encouraged to ensure crew members are provided with decent working and living conditions including medical care (p4.d)</p>	<p>Members and CNCPs to ensure crew members are provided with fair working conditions on board fishing vessels including access to medical care (p3.d)</p>	<p>Contracting Parties to ensure crew members are provided with decent working and living conditions on board vessels including access to medical care (p1.d)</p>

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<p>with persons or services ashore that can provide medical advice</p> <ul style="list-style-type: none"> • Right to medical treatment ashore and right to be taken in a timely manner for treatment in case of serious injury or illness • Additional requirements for fishing vessels 24 m in length and over 	<p>migrant workers (p4)</p>				
<p>Occupational safety and health and accident prevention (Art. 31 to 33)</p> <ul style="list-style-type: none"> • Provisions on prevention of occupational accidents and illnesses, risk evaluation and management, training and on-board instruction of fishers • Training of fishers in the handling of 	<ul style="list-style-type: none"> • Members and CNCPs to ensure crew members are provided with a safe and secure working environment with minimum risk to health, safety, and, to the extent possible, wellbeing (p3.b) • Members and CNCPs to ensure crew members are provided with 	<ul style="list-style-type: none"> • CCMs are required to ensure that vessel owners/operators provide crew members a safe working environment where the welfare, occupational safety and health of crew is effectively protected (p7.a) and access to occupational safety and health protection (p7.d) • CCMs are required to ensure that fishing vessel owners and/or operators provide 	<ul style="list-style-type: none"> • CPCs are encouraged to ensure fair and decent working conditions including a safe and secure working environment with minimum risk to health, safety, and to the extent possible, wellbeing (p4.b), access to operational safety protections (p4d), and access to safety equipment on board vessels and adequate safety training to be provided by the CPC or 	<ul style="list-style-type: none"> • Members and CNCPs to ensure crew members are provided with a safe and secure working environment with minimum risk to health to the extent possible and wellbeing (p3.b) • Members and CNCPs to ensure crew members are provided with fair working conditions on board fishing vessels including 	<ul style="list-style-type: none"> • Contracting Parties to ensure crew members are provided with a safe and secure working environment with minimum risk to health and wellbeing (p1.b) • Contracting Parties to ensure crew members are provided with decent working and living conditions on board vessels including access to vessel and operational safety protections (p1.d) and

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<p>types of fishing gears to be used</p> <ul style="list-style-type: none"> Additional requirements for fishing vessels 24 m in length and over. Competent authorities to require, after consultation, fishing vessel owners to establish on-board procedures for the prevention of occupational accidents, injuries and diseases. Fishing vessel owners are required to ensure that: (a) every fisher on board is provided with appropriate personal protective clothing and equipment; (b) every fisher on board has received basic safety training approved by the 	<p>decent working and living conditions on board vessels including access to vessel and operational safety protections (p3.d) and access to appropriate safety equipment on board vessels and adequate safety training before first deployment on the vessel and at appropriate intervals thereafter (p3.e)</p>	<p>safety training and/or instruction for all crew members working on board the vessel, with consideration given to relevant international guidelines and standards for training of crew members (p8.b)</p>	<p>a CPC designated or approved third party before first deployment on a vessel and at appropriate intervals thereafter (p4.e)</p>	<p>access to operational safety protection (p3.d) and access to appropriate safety equipment on board vessels and adequate safety training before first deployment on the vessel, and drill provided by vessel, and at appropriate intervals thereafter (p3.e)</p>	<p>access to appropriate safety equipment on board vessels and adequate safety training before first deployment on a vessel and at appropriate intervals thereafter (p1.e)</p>

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<p>competent authority; and (c) fishers are sufficiently and reasonably familiarized with equipment and methods of operation, including relevant safety measures, prior to using the equipment of participating in the operations concerned.</p>					
<p>Social security (Art. 34 to 37)</p> <ul style="list-style-type: none"> • Ensure that fishers benefit from social security protection • Achieve progressively comprehensive social security protection for fishers 					
<p>Protection in the case of work-related sickness, injury or death (Art. 38 & 39)</p> <ul style="list-style-type: none"> • Take measures to provide fishers 	<p>Members and CNCPs are encouraged to provide crew members with appropriate insurance no less favourable than the</p>	<ul style="list-style-type: none"> • It is the responsibility of CCMs to ensure that fishing vessel owners and/or operators provide crew members 	<ul style="list-style-type: none"> • CPCs to ensure crew members benefit from appropriate unemployment, accident, and other worker protections in 	<p>Members and CNCPs are encouraged to ensure fair working conditions on board fishing vessels including by providing crew</p>	<p>Contracting Parties are encouraged to take measures to ensure appropriate insurance for the crew (p1.g)</p>

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<p>with protection, in accordance with national laws, regulations or practice, for work-related sickness, injury or death, including through:</p> <p>(a) a system for fishing vessel owners' liability; or (b) compulsory insurance, workers' compensation scheme or other schemes</p> <ul style="list-style-type: none"> • In the event of injury due to occupational accident or disease, the fisher shall have access to: (a) appropriate medical care; and (b) the corresponding compensation as provided by national legislation • Fishing vessel owners are responsible for 	<p>flag Members and CNCPs domestic laws and regulations (p3.g) and with appropriate unemployment, accident, and other worker protections in case of work-related sickness, injury, or death no less favourable than the flag Members and CNCPs domestic laws and regulations (p.3h)</p>	<p>with appropriate insurance (p7.e).</p> <ul style="list-style-type: none"> • CCMs are required to ensure that owners and/or operators of fishing vessels covered by this CMM takes the measures set out in paragraphs 9 to 11 in the event a crew member dies, suffers from a serious illness or injury or is missing or presumed fallen overboard. 	<p>case of work-related sickness, injury or death no less favourable than the flag CPC's domestic laws and regulations (p.4.h)</p> <ul style="list-style-type: none"> • CPCs are strongly encouraged to develop and implement and Emergency Action Plan (EAP) to be followed in the event a crew member dies, is missing or presumed fallen overboard, or suffers from a serious illness or injury. The elements to be included in an EAP are listed in the Annex to the Resolution (p6). 	<p>members with appropriate insurance no less favourable than the flag Members and CNCPs laws and regulations (p3.f)</p>	

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the provision to fishers of health protection and medical care while employed or engaged or working on a vessel at sea or in a foreign port					
Compliance and enforcement					
<p>Compliance and enforcement (At. 40 to 44)</p> <ul style="list-style-type: none"> Establish a system for ensuring compliance with C188 requirements, including inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures (Art. 40) Carry out regular labour inspection of fishing vessels to ensure compliance with living and working 	<ul style="list-style-type: none"> Members and CNCPs are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to make every effort to improve, enforce, and prosecute violations of all relevant laws and policies regarding labour conditions and crew member safety on board vessels (p.6) 	<ul style="list-style-type: none"> In the event that a flag CCM has reasonable grounds to believe on information such as port State notifications, electronic monitoring, observer reports, high seas boarding inspection reports or information provided by a crew member, that a crew member's health and safety is endangered or that a crew has been subject to forced or compulsory labour and other mistreatment, the flag CCM is required to ensure that the owner and/or operator of the fishing vessel: (a) immediately takes action to preserve the 	<ul style="list-style-type: none"> CPCs are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence to improve and enforce requirements regarding labour conditions and crew safety on board vessels (p7). Port CPCs are encouraged to ensure the adequate enforcement of all relevant laws and policies, and applicable labour standards, including by identifying and prosecuting violations of relevant national laws and policies relating to the 	<ul style="list-style-type: none"> Members and CNCPs are encouraged to ensure the adequate enforcement of all relevant legislation, including by identifying and prosecuting breaches of relevant national laws relating to the treatment of crew by vessel operators operating in their waters (p2). Members and CNCPs are encouraged to apply and, where appropriate, strengthen effective jurisdiction and 	<ul style="list-style-type: none"> Contracting Parties are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence to improve and enforce all relevant laws and policies regarding labour conditions and crew safety on board vessels (p4) Contracting Parties are encouraged to ensure adequate enforcement of all relevant laws relating to the treatment of crew for those vessels that land fish in their ports or

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<p>conditions and issue a valid document certifying that the vessel has been inspected by the competent authority (Art. 41)</p> <ul style="list-style-type: none"> • A Member State which receives a complaint or obtains evidence that a fishing vessel that flies its flag does not conform to the requirement of C188 is required to take steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found (Art. 43.1). • Port State measures in case of complaints or evidence of non-compliance with C188. If a Member State, in whose port, a fishing 	<ul style="list-style-type: none"> • Members and CNCPs are encouraged to detect possible labour rights violations in a vessel during port inspections, including forced labour. In those inspection efforts, Members and CNCPs can use relevant ILO detection tools. Port Members and CPCs are encouraged to notify the flag Members/CNPCs of relevant evidence or support investigation and, where appropriate, prosecution by the flag Members/CNPCs, and to take other appropriate action with respect to the vessel and its 	<p>safety of the crew member and mitigate and resolve the situation on board; (b) immediately provides the flag CCM's designated authorities with a report on the situation, remedies provided, including the status and location of the crew member, as soon as possible; (c) facilitates the safe disembarkation of the crew member in a manner and place, as agreed by the flag CCM and crew member; (d) cooperates fully in any and all official investigations into the incident, including by providing independent and individual access to all crew members remaining on the vessel (p12).</p> <ul style="list-style-type: none"> • In the event that, after disembarkation from a fishing vessel, a crew member reports to the port CCM an allegation of forced or compulsory 	<p>treatment of crew by vessel operators that call at their ports or operate in their waters (p2).</p> <ul style="list-style-type: none"> • Where a vessel enters the port of a CPC, the port CPC is encouraged to detect possible labour rights violations in these vessels during port inspections, including forced labour. Port CPCs are encouraged to notify the flag CPC of relevant evidence or support investigation and, where appropriate, prosecution by the flag CPC, and to take other appropriate action with respect to the vessel and its master consistent with applicable laws (p3). 	<p>control over vessels flying their flag and to exercise due diligence to improve and enforce requirements regarding labour conditions on board fishing vessels (p.5)</p>	<p>operate in their waters (p.5)</p>

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<p>vessel calls in the normal course of its business or for operational reasons, receives a complaint or obtains evidence that such vessel does not conform to the requirement of C188, it may prepare a report addressed to the government of the flag State of the vessel, with a copy to the ILO Director, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety and health (Art. 43.2)</p>	<p>master consistent with applicable laws (p7)</p>	<p>labour and other mistreatment while on board the fishing vessel, the port CCM is required to notify the flag CCM and the Secretariat. Upon notification, the flag CCM has the obligation to: (a) investigate the allegations and take any appropriate action in response to the results of the investigation; and (b) cooperate fully in any other investigation conducted (p13).</p> <ul style="list-style-type: none"> • In the event a port CCM is notified by a flag CCM that a crew member may have experienced forced or compulsory labour and other mistreatment, the port CCM is required to facilitate entry to port of the fishing vessel to allow disembarkation of the crew member to the extent possible under national law and assist in any investigation if so 			

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		<p>requested by the flag CCM (p14).</p> <ul style="list-style-type: none"> • CCM have a duty to cooperate and provide support in relation to cases of forced or compulsory labour and other mistreatment on fishing vessels, including facilitating evidence gathering from crew providers in their jurisdiction or from their nationals, where possible (p15). 			