



Multidisciplinary Inspection on Fishing Vessels

Train the Trainers Manual

Philippines

SAFE Seas Project
Plan International
February 2022, v1

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In satisfaction of Contract Order 07262021-151

Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels



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Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels



Foreword

This Manual sets out a:

Training Program for Trainers of Multidisciplinary Inspection on Fishing Vessels and formatted for a two-day workshop to instruct labor inspectors and maritime authorities on inspecting fishing labor in a coordinated and responsive way. Participants will become sensitized to signs of forced labor or trafficking in persons (FL/TIP) in fishing, gain necessary knowledge to educate all fishing stakeholders, and learn how to handle labor complaints.

The manual was prepared for the SAFE Seas program operated by Plan International by the [Sustainability Incubator](#) (Katrina Nakamura, George Sirait, Angel Mysik) in satisfaction of Contract Order 07262021-151 (Tasks 5,6,7). Direction was provided by the SAFE Seas Indonesia and Philippines team members Nono Sumarsono, JoePres Gaudiano, Hari Sadweo, Malaya Montesur, Sapril Akhmady and Plan International team members Gavan Blau and Ann Yang in September 2021 through February 2022.

The training content, scope and exercises are based on the current legal umbrella as well as best practice guidance from Indonesia, Philippines and internationally. They also respect the scope for fishing inspection training set by the International Labour Organization for “relevant fishing sector practices and techniques, associated hazards and risks, payment system, fishing vessel safety requirements, sensitivity to the work operations of fishing vessels and related pressures, and briefings on each other’s mandates.”¹. The training approach is designed for the current learning needs of labor inspectors and maritime authorities in the domestic commercial fishing sectors in Indonesia and the Philippines, as they were stated by stakeholders in Fall 2021 (Task 1). Stakeholders emphasized the need for inspector training on spotting labor violations and asking the right questions under the current legal umbrella and protocols. The learning priority is handling labor complaints for an effective response, specifically through education for fishing vessel workers, masters and owners and better coordination of referrals.

The target audience for training in the Philippines includes:

- DOLE, BFAR, and Maritime Group (i.e., PCG, PNP MG, MARINA) inspectors in General Santos City, Sarangani Province and Palawan Province responsible for inspections at the General Santos Fish Port Complex and municipal fish ports located in Palawan and Sarangani province.

Format: For best use of this manual, a lead facilitator and a trainer to animate the group are needed. A maximum of 20 participants are recommended to encourage discussion (or doubled with four trainers). The manual contains step by step notes to the facilitator then summaries emphasizing the main points.

Training Concept: Governments can use the manuals annually to reinforce the concept of enforcing the law to prevent labor violations on fishing vessels and to build fishing labor cognition and inspection skills of labor inspectors and maritime authorities. Coordination training could become part of the regular process, starting with the rollout of DOLE 156-16 in the Philippines.

¹ Per ILO Guidelines on Flag State inspection of working and living conditions on board fishing vessels, section 2.4.2.2 (2017)

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Introduction

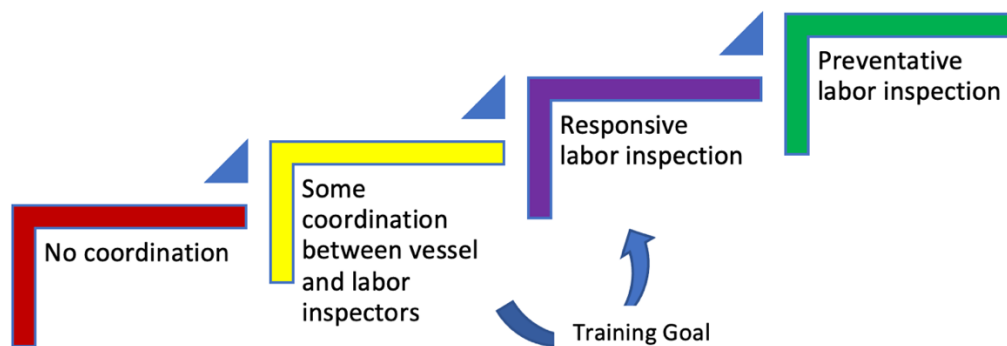
This manual is for the Champions of multidisciplinary inspection:

- Philippines labor inspectors at DOLE and maritime authorities at BFAR, PNP Maritime Group, Philippine Coast Guard vessel inspectors, and other agencies and the representative training officers from their capacity building offices.

This training program is designed to showcase and enhance efforts by these Champions. It provides more tools for inspecting labor in fishing workplaces. This is valuable as the domestic fishing sector industrializes and expands, particularly the rapidly growing exports sector. Multidisciplinary inspection, as a concept, is a part of the ongoing shift from purely regulatory to progressively developmental modes of enforcement that are needed to prevent labor crimes including forced labor, trafficking in persons (FL/TIP) and illegal forms of child labor which can be hidden in plain sight and difficult to detect.

Theory of Change

In order to inspect fishing labor in a coordinated and responsive way, it is an advantage for inspectors to recognize signs of FL/TIP and violations experienced by fishing vessel workers on the job. Uniquely, inspectors can clear up differences between fishing vessel workers, masters and owners so everyone understands what is required by law. So it is useful to know how to handle a labor complaint and how to coordinate with other agencies to ensure a response. A timely response to a labor violation is the Number One thing fishing vessel workers need to safeguard their conditions. Over time and with practice, education and enforcement actions will reach a tipping point for prevention of FL/TIP.



Training Outcomes

Inspectors will learn to **inspect fishing labor in a coordinated and responsive way**, and to:

1. Recognize signs of **Forced Labor and Trafficking in Persons (FL/TIP)** in fishing during inspections,
2. Understand the **Fishing Work Cycle** so they can educate all the stakeholders in the fishing industry about compliance,
3. **Handle a labor complaint responsively**, knowing how to respond and who to contact or refer information to,
4. **Coordinate with other agencies** to ensure an effective response.



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Sources

The training content is based in the current legal umbrella supporting multidisciplinary inspection of fishing labor (Indonesia's joint inspection protocol by the Ministry of Manpower and Ministry of Maritime Affairs and Fisheries in North Sulawesi) (Philippines Department Order 156-16 (2016). Pertinent international law and standards are referenced in Supplementary Materials in Appendix 3.

International:

- International Labour Organization (ILO), 2020: ILO training package on inspection of labour conditions on board fishing vessels
- ILO, 2017: Guidelines on flag State inspection of working and living conditions on board fishing vessels, section 2.4.2.2
- ILO/Food and Agriculture Organization of the United Nations (FAO), 2013: Guidance on addressing child labour in fisheries and aquaculture
- Interpol, 2018: International Law Enforcement in the Fisheries Sector: a guide for law enforcement practitioners

Philippines:

- Philippines Department of Social Welfare and Development and ILO, undated: Referral System for the Recovery and Reintegration of Trafficked Persons
- DOLE, 2014: Manual for Philippine Registered Ships: Conduct of Assessment, Inspection and Certification

Pre-Test & Reading

A single pre-test is provided in Appendix 1 to distribute in advance to participants with reading materials that summarize the current legal umbrella for preventing forced labor and trafficking in persons (FL/TIP) and decent work in the fishing sector in Appendix 2.

Materials List

Projector, sticky notes, colored markers, scissors, tape, 12 poster papers and copies as directed.



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Directions for the Workshop

Day One, Module One, Step One: Introduce the Workshop

In advance: Set up the room ideally with round tables each seating 6 people, all in view of a video screen and providing sticky note pads.

Step One:

1. Thank the group for attending and taking time to complete the pre-test.
2. Philippines: Thank the group also for pre-reading the salient features of DO-156-16 that will be covered.
3. Introduce yourself and the training team, workshop hosts and participants. Present the workshop format, timing and breaks.
4. Play a 5 minute video to featuring fishing vessel workers.
5. Do the Warm Up Exercise (see Notes).
6. State the Training Outcomes.
7. State that this training delivers two modules of content, each being a Building Block for Responsive Inspection.

Introduce the Building Blocks of Responsive Inspection:

Education: A mutual understanding is needed of the fishing work cycle so that everyone has the same knowledge of what is acceptable and unacceptable regarding wages, payments and safety.

Establishing channels: Violations and complaints might be received directly from fishing vessel workers or, due to the power hierarchy on fishing vessels, from families, co-workers, local unions, fisher centers, community associations or through social media. Inspectors and maritime authorities need to know how to receive complaints in line with their protocol and what to do to respond, report or refer the information forward. Clear channels are needed to supervisors and investigators and also to social and medical services, unions, police, legal aid, prosecutors, and anti-trafficking organizations. Participants will learn how to establish channels with government and non-government organizations.

Facilitator Notes for the Warm Up Exercise

Goal this Step: Understand what can go wrong on the job in fishing to better understand and prevent FL/TIP.

Video link:

After the video, ask the group:

- What went wrong?

Ask participants to write, from the perspective of the fishing vessel worker, (1) What went wrong? (2) What questions do they have (FVW)? Assign a wall area to post the notes.

Take photos of the wall and read out some of the sticky notes.

Summary

1. Due to vessel locations, inspecting labor compliance on fishing vessels is challenging!
2. Harbormasters often check employment documents to authorize fishing trips, but only fishing vessel workers can confirm true conditions.
4. At this event, you will learn a stepwise training process to help build up the cognition and skills of labor inspectors and maritime authorities to prevent labor violations on fishing vessels.



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Day One, Module One, Step Two: Recognize signs of Forced Labor and Trafficking in Persons

Introduce the concept: Forced labor, trafficking in persons (FL/TIP), and child labor in fishing are crimes which may be prosecuted.

Forced labor is:

"all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."

ILO [Forced Labour Convention, 1930 \(No. 29\)](#)

It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by subtle means such as manipulated debt, retention of identity papers or wages or threats of denunciation to authorities.

Labor inspectors and maritime inspectors need to know the signs and must report suspected FL/TIP to police or social services equipped to assist the fishing vessel worker. Reporting is a serious matter that must follow the correct legal protocol. As a result, it is critical for the authority to know the mandatory protocol for identification and reporting:

- 1) *[Practitioner Guide: Trafficking Victim Identification, The Bali Process, Nexus Institute \(2021\)](#)*
- 2) *COMMIT-ASEAN Common Indicators of Trafficking and Associated Forms of Exploitation*
- 3) *COMMIT Victim Identification and Referral Mechanisms: Common Guidelines for the Greater Mekong Sub-Region (2016)*

Importantly, violations occurring in plain sight without a complaint may still be labor crimes. A fishing vessel worker may be afraid to reveal conditions that break the law due to fear of retaliation or because they have not been informed of their rights, the wages stated in their Employment Agreement, or minimum requirements in the law. The inspector may need to speak to the fishing vessel worker privately and learn the facts of the situation. This must be done with sensitivity to avoid retaliation against them by the vessel captain or owner. It may not be possible to establish the facts but inspectors can educate fishing vessel workers, masters and vessel owners so that everyone is on the same page. Overtime, awareness and trust will build as fishing vessel workers are encouraged to speak up.

Facilitator Notes

Goal this Step: Familiarize Participants with FL/TIP and What It Can Look Like in Fishing

Introduce the concept then on a large screen, spend 10 minutes reviewing the [ILO Indicators of Forced Labour](#).

Ask for volunteers to describe a detection they have experienced.

Next, **quiz participants** for 5 minutes on their knowledge of pertinent forced and child labor laws using the summary provided in the Pre-Reading materials. Ask 2 or 3 true vs false questions to wrap up this section, for example:

1) It is legal for a 16 year old to work on a commercial fishing vessel, true or false?

False for fishing categorized as hazardous work otherwise the minimum age is 15.

2) If a fishing vessel worker earns <1/3 the wages stated in the contract, it is forced labor, true or false?

True if paid the wages that were offered and agreed. Possibly false if paid less than agreed.

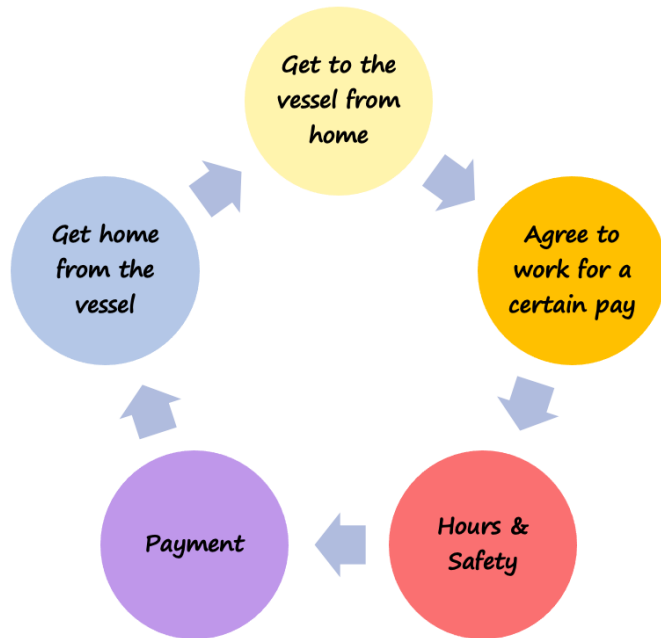
Summary: Inspectors need to know the signs and report suspected FL/TIP to police or social services equipped to assist the fishing vessel worker. Reporting is a serious matter that must follow the correct legal protocol.

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Day One, Module One, Step Three:

Understand Labor Risks in the Fishing Work Cycle



In advance:

1. Print out 20 copies of the case studies.
2. Cut out 6 circles from colored paper about 30cm in size and write one of the six universal rights (below).
3. Project the Fishing Work Cycle on the wall.
4. Pin the paper circles on the wall beside the cycle.

Set a purpose: To supplement your existing protocols, learn to spot labor hazards in fishing and questions you can ask fishing vessel workers.

Introduce the concept: Before anyone goes to work, applies to work, or is recruited to work, their fundamental rights are protected. Fundamental rights through the work cycle are legally-established. The details of protection may vary country to country but the universal workplace rights do not vary.

Proof of labor compliance is becoming necessary in global trade. Employers hire fishing workers based on fish availability and price, with a twist that vessel workplaces are located remotely. Fishing vessel workers are recruited around fishing ports through informal channels or from further away when prices and demand rise. Today's vessels are industrial workplaces and slowly professionalizing but vexed by significant forced and child labor² even if fishing vessel workers are not aware of their rights.

Facilitator Notes

Goal this Step: Learn the fishing job and its labor risks through pre- and post-work phases.

Travel through the cycle. At each step:

1. List the hazards and signs
2. Ask, who has seen these hazards or signs?
3. Read out the questions, then ask the group, what else could be asked? What other ways can you find information?

Case Studies: Split the group in 2 and distribute 4 case studies (2 each) and the table. Ask for a volunteer to report back and instruct them to identify signs of FL/TIP and add them to the table. (These tables will be used again on Day 2.) Reconvene and ask each group to share what they spotted.

Wrap Up Quiz: Can they name 4 or more of the 6 universal rights?

Summary: By understanding the labor risks in the fishing work cycle, inspectors can spot violations and learn where supervision is needed by government officials in the field.

² [2020 List of Goods Produced by Child Labor or Forced Labor](#), US Department of Labor.

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Fishing vessel workers have universally legally-established rights³ to:

1. A **written work agreement** prior to boarding the vessel. This may be a contract or other form of agreement that is compliant with national laws for labor and safety but never left open to discretion by owners, masters or agents.
2. **Rights training on arrival** in a language/dialect they understand.
3. A **safe, responsive channel** for workplace grievances must be accessible to everyone working at the facility and linked into a credible and timely response by management and/or government.
4. **Paid the same wages** as in the employment agreement. Pay deductions are prohibited for costs of work including boots, food, protective and safety gear, and limited to what is legal in domestic law and written in the agreement.
5. The vessel must have a **human resources system** delivering mandatory rights protections like accurate contracts and wage payments that meet or exceed the minimum wage rate.
6. **The protections are verified by the fishing vessel workers** in a safe and voluntary manner.

Uniquely, inspectors can clear up differences between fishing vessel workers, masters and owners so everyone understands what is required by law.

Legal References for Fishing Work Cycle Requirements in the Philippines:

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Work Agreement Requirements: Philippines DOLE 156-16: There shall be a work agreement (IV.1) submitted to DOLE (IV.2) and specifying minimum benefits (IV.3), meal breaks (IV.4) and rest (IV.5). For termination, fishers are entitled to two prior notices (VIII.1). Critically, repatriation costs are the vessel owner’s responsibility (VIII.2) including where fishers are arrested because the vessel is apprehended for illegal fishing. Fishers are entitled to social welfare benefit; vessel owners are responsible for medical and hospitalization expenses in absence of social security coverage (IX.1). Fishers have the right to organize and bargain collectively (XII.1) and shall be assisted by the NCMB pursuant to the rules of NWPC (XII.2). Fishers are industrial partners where they have an equal standing (X.2) and entitled to wages and benefits described in V.</p> | <p>International Requirements: International Labour Organization: (1) Every person in fish work holds a written work agreement compliant with domestic law as reflecting the ILO core standards, (2) the agreement itemizes work terms and pay in a language the fishing crew member can understand and is signed by the facility owner.</p> |
| <p>Rest Period and Rest Day: DOLE 156-16: <i>Fishers are entitled to an aggregate daily rest period of 10 hours per day and to a rest period of not less than 24 consecutive hours after every 6 consecutive work days (Section V).</i></p> | <p>Rest: SCTW-F, WIFc188 (1) Minimum rest hours and working hour limits in domestic law are observed in all workplaces, including fishing vessels, and (2) Minimum of 10 h of rest in any</p> |

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, UN Guiding Principles on Business and Human Rights, Guidance: Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and [Poverty Eradication](#) (FAO), General Principles and Operational Guidelines for Fair [Recruitment](#) (ILO).

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| <p>Meal breaks: DOLE 156-16: fishers are entitled to a break/time-off or not less than 60 minutes for their regular meals (Section IV).</p> | <p>24-hour period and 77 h in any 7-day period.</p> |
| <p>Food and water: DOLE 156-16: Food and potable water must be accessible to fishers on board and sufficient and safe (VII.2.6). On large vessels, minimum accommodations are specified (V.3) including a responsibility for the vessel owner to submit safety and health reports (VII.4) including incident reports (VII.5).</p> | <p>Food and water: In a confined workplace, access is provided to nutritious and sufficient food and at all times to clean water.</p> |
| <p>Safety training: DOLE 156-16: Vessel owners will implement due occupational safety and health on board (VII.2.1) and, on larger vessels, establish a committee (VII.2.2). All fishers and captains shall be duly trained in safety and health on board as prescribed by DOLE or MARINA (VII.2.3). BWC, OSHC, BFAR, PFDA, MARINA and PCG shall coordinate a responsive program for the safety and health of fishers (XI.1) and provide fishers with due training (XI.2).</p> | <p>Safety training: (1) On fishing vessels smaller than 24 m, appropriate training and personal equipment are provided (2) All new recruits are provided with safety training and annual upgrading to raise their professional qualifications; (3) All work safety resources and documentation are accessible in the workplace, including safety manuals, crew handbook, medical certificates and insurance documents, and (4) Safety risks for crew members on the fishing vessel are assessed and addressed.</p> |
| <p>First aid and medical coverage: Philippines DOLE 156-16: The vessel owner is responsible for maintaining the vessel's physical infrastructure and for preventing hazards (VII.2.4). Critically, they must provide adequate first aid services on board and communications to shore for medical assistance and then in port ensure access for fishers to needed medical treatment (VII.2.5).</p> | <p>First aid and medical coverage: (1) All new recruits are provided health coverage for workplace injuries and illnesses; (2) First aid is accessible to all people working at the facility at all times; (3) People who are injured on the job are transported to clinics or hospitals without delay and at the employer's cost.</p> |
| <p>Minimum Wage & Social Security Requirements: DOLE 156-16: Fishers shall receive compensation to ensure a decent working and living standard (V.1) and implemented appropriate for small-scale (V.2a), medium (V.2b) and large (V.2c). Daily minimum wages shall not be less than prescribed by the appropriate RTWPB (V.3a) that is supplemented by productivity pay on medium or large vessels (V.3b). Wages must be paid in cash every 2 weeks and not longer than within 16 days (Max. 1 month) and with provisions for remittance to family made available no cost (V.5) and, critically, wages are transparent in that fishers know them, have agreed, and wages are documented (V.6).</p> | <p>Minimum Wage & Social Security Requirements: International Labour Organization: (1) Workers cannot be required to work without pay; (2) earnings must meet or exceed minimum wage rates in the country of operation and be consistent with decent work, including wages based on productivity rather than time, and (3) deductions from pay for costs of work or taken at the supervisor's discretion are prohibited per domestic regulations and tracked and eliminated to reduce the exposure debt bondage, forced labor, and human trafficking.</p> |

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1. Getting to the vessel from home



1. Did you receive an advance payment? If so, how long was agreed to pay it off?
2. Did you pay any transit or job-finding fees?
3. Is the vessel recruiting non-local workers? If so, how do they find them?

Hazards:

When a fishing vessel worker leaves their community for work:

- Their transit may be arranged by the vessel owner or a labor agent.
- Their family may receive an advance payment.
- They work unpaid for long or unspecified periods to repay the debt.

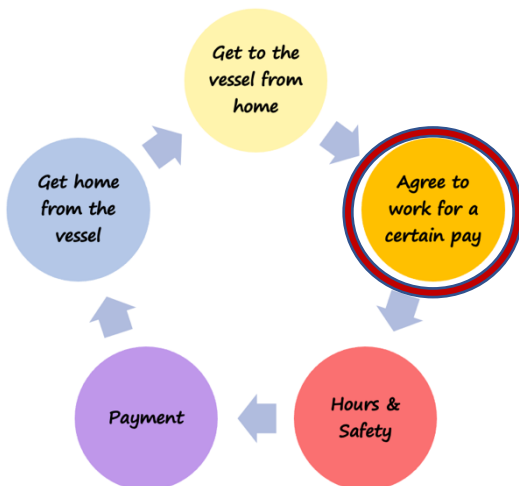
Take note that **debt coercion** is illegal. Fee-taking for recruitment is also prohibited.

Signs of a violation:

- The fishing vessel worker has a debt that exceeds 1-3 month's pay.

Questions to ask fishing vessel workers:

2. Work Agreement



- The fishing vessel worker does not know how long they must work to pay off their debt.
- The fishing vessel worker states their wages and they are lower than in the documents.

Hazards:

There may be a big difference between what fishing vessel workers experience on the job and what is written in vessel documents.

- Their wages may be lower.
- They may not have read, or been read, the Employment Agreement.
- They may not have the safety training or equipment described in the documents.

Take note that major differences between reality and the documents could mask **forced labor**. Pay deductions for protective gear are prohibited.

Signs of a violation:

- The fishing vessel worker does not know what their wages are.

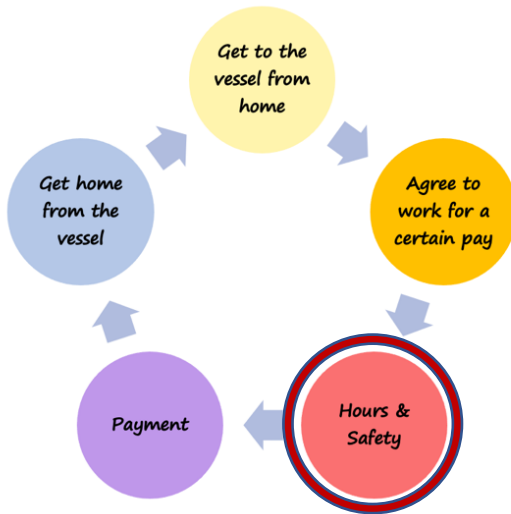
Questions to ask fishing vessel workers:

1. Do you know what wages are written in your Employment Agreement?
2. Did you read it or did anyone show it to you and ask if you agree?
3. Is the work you perform on the boat different than was described when you got the job?
4. Are you experiencing any pay deductions? What for?

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3. Hours and Safety



- Persistent or unhealed injury
- Severely fatigued or dehydrated
- Physical appearance indicates suffering from poor living conditions

Hazards:

- Fishing vessel workers are sleep deprived
- They may be required to use gear unsafely, like an air compressor to dive deep.
- When an injury occurs, like a hook in the hand, they may be prohibited from accessing the first aid kit or denied immediate care.

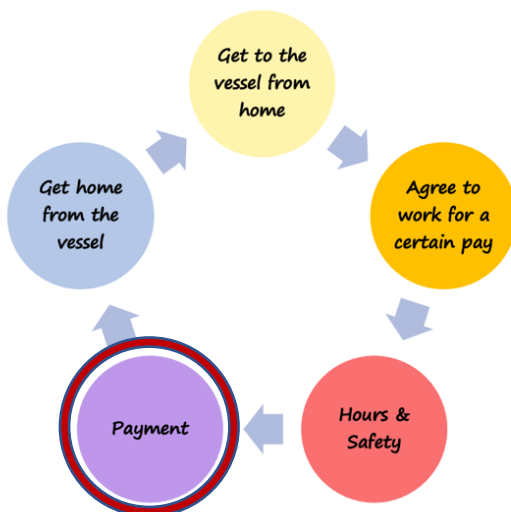
Fishing gear is sharp and surfaces are slippery. Fishers may work 16-20 hours/day when setting or retrieving gear. Shortcuts and negligence like failing to provide safety training can lead to infection, disability or mortality. Fishing work is classified as hazardous work. Hours and safety must meet minimum requirements set out in law and regulations.

Signs of a violation:

Questions to ask fishing vessel workers:

1. How many hours of rest do you have at sea, in 24 hours? In a week?
2. When you started the job, were you provided with safety training? Any updating?
3. Is first aid accessible to you at all times?
4. Do you eat enough food? Is it nutritious and providing the energy you need? Is water available to you at all times?
5. What happens on this boat when someone is injured on the job?
6. Have you been injured on this job? If so, what did the employer do?

4. Payment



Hazards:

- Wages are lower than the minimum wage.
- They are not receiving mandatory social security, holiday pay and benefits.
- They are receiving less social security, holiday pay and benefit than the legal minimum.
- They are deducted pay for missing work or medical costs due to a work injury.
- They are performing unpaid work under threat or intimidation.

When vessel masters or owners requires fishing vessel workers to work without pay and under threat or intimidation, it is **forced labor**.

Signs of a violation:

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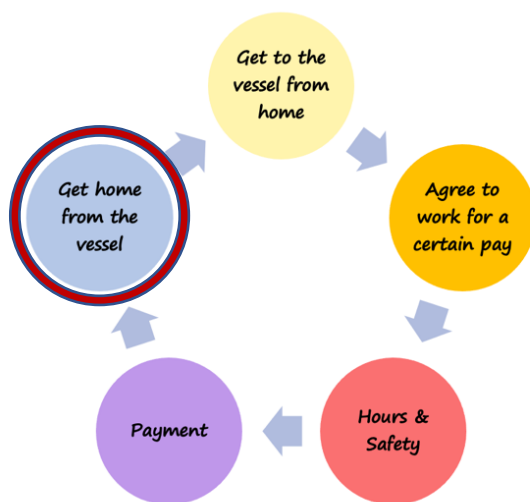


- The fishing vessel worker says they have not made any money yet and has been working on the vessel longer than 3 months.
- They worked without pay for one month to pay hospital fees for a workplace injury.

Questions to ask fishing vessel workers:

1. What are your monthly wages?
2. Do you remember when you last received holiday pay and the amount?
3. What is your employer paying on your behalf for social security contributions?
4. Have your wages been held back? If so, for what purpose?

5. Getting home from the vessel



Hazards:

A fishing vessel worker is blocked from returning home after completing the agreed term and:

- Their pay or ID is held back to stop from leaving.
- They are required to work an additional month or more to pay for the transit costs to get home.
- They are intimidated or threatened.

If the fishing vessel worker wants to leave and is prevented from leaving, then they may be experiencing **forced labor**.

Signs of a violation:

- The fishing vessel worker has not returned home for longer than 1 year.
- Their wages are held back by the vessel owner to stop them from going home.

- They must keep working due to hold-backs of wages, personal identification, force or threats.

Questions to ask fishing vessel workers:

1. When does your contract expire?
2. Are you planning to extend it or to return home?
3. Do you have any obligations to your employer before you can return home?
4. If your home is distant, who is paying your return costs?
5. Has your personal identification been held back? If so, for what purpose?

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Day One, Module One, Step Three Exercise: Spotting Labor Risks in the Fishing Work Cycle

Show video case studies or else pre-fill the following table with local case studies then distribute.

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Case Study 1: General Santo City https://www.youtube.com/watch?v=pSlpbLB-xV4&list=PLpuhmvVJnIJSL-DTEDGyesTBpy1zjn2Hp&index=5 | | |
| Do you see signs of FL/TIP? | What other hazards do you see? | Stage of the work cycle? |
| (Circle all you see and add new ones) | (Circle all you see and add new ones) | (Circle all that you see) |
| Deception | Family receives an advance payment | Getting to the vessel from home |
| Holding captive | Wages are lower than the minimum wage | Agree to work for a certain pay |
| Threat | Fishing vessel worker is sleep deprived | Hours and safety on the job |
| Withholding pay or ID to have control over another person | They are receiving less social security, holiday pay and benefit than the legal minimum | Payment |
| Intimidation | They are working without pay because they had a work injury and the vessel owner is charging them the medical cost | Get home from the vessel |
| Use of force | | |
| | | |
| | | |
| Case Study 2: Palawan "El Toro" : https://www.youtube.com/watch?v=t0Zw-a_z-6U&list=PLpuhmvVJnIJSL-DTEDGyesTBpy1zjn2Hp&index=3 | | |
| Do you see signs of FL/TIP? | What other hazards do you see? | Stage of the work cycle? |
| (Circle all you see and add new ones) | (Circle all you see and add new ones) | (Circle all that you see) |
| Deception | Family receives an advance payment | Getting to the vessel from home |
| Holding captive | Wages are lower than the minimum wage | Agree to work for a certain pay |
| Threat | Fishing vessel worker is sleep deprived | Hours and safety on the job |
| Withholding pay or ID to have control over another person | They are receiving less social security, holiday pay and benefit than the legal minimum | Payment |
| Intimidation | They are working without pay because they had a work injury and the vessel owner is charging them the medical cost | Get home from the vessel |
| Use of force | | |
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|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Case Study 3: | | |
| Do you see signs of FL/TIP? (Circle all you see and add new ones) | What other hazards do you see? (Circle all you see and add new ones) | Stage of the work cycle? (Circle all that you see) |
| Deception | Family receives an advance payment | Getting to the vessel from home |
| Holding captive | Wages are lower than the minimum wage | Agree to work for a certain pay |
| Threat | Fishing vessel worker is sleep deprived | Hours and safety on the job |
| Withholding pay or ID to have control over another person | They are receiving less social security, holiday pay and benefit than the legal minimum | Payment |
| Intimidation | They are working without pay because they had a work injury and the vessel owner is charging them the medical cost | Get home from the vessel |
| Use of force | | |
| | | |
| | | |
| Case Study 4: | | |
| Do you see signs of FL/TIP? (Circle all you see and add new ones) | What other hazards do you see? (Circle all you see and add new ones) | Stage of the work cycle? (Circle all that you see) |
| Deception | Family receives an advance payment | Getting to the vessel from home |
| Holding captive | Wages are lower than the minimum wage | Agree to work for a certain pay |
| Threat | Fishing vessel worker is sleep deprived | Hours and safety on the job |
| Withholding pay or ID to have control over another person | They are receiving less social security, holiday pay and benefit than the legal minimum | Payment |
| Intimidation | They are working without pay because they had a work injury and the vessel owner is charging them the medical cost | Get home from the vessel |
| Use of force | | |
| | | |
| | | |



Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

Day One, Module One, Step Four: Summarize the Day

1. Let participants know they gained essential knowledge for inspecting fishing labor in a coordinated and responsive way.
2. Training Outcomes #1 and #2 were delivered today.
3. Participants have gained necessary knowledge to recognize signs of FL/TIP in fishing and to understand labor risks in the fishing work cycle.
4. With this supplemental knowledge, participants are in a good position to educate fishery stakeholders in their current roles.
5. In tomorrow's session, # 3 and #4 will be delivered.
6. The focus tomorrow is on establishing channels to refer a complaint and launch the due response.

Training Outcomes

Labor inspectors and maritime authorities are learning to **inspect fishing labor in a coordinated and responsive way**, and to:

1. **Recognize signs of Forced Labor and Trafficking in Persons in Fishing (FL/TIP)** during inspections,
2. **Understand the Fishing Work Cycle** so they can recognize hazards and educate all fishing stakeholders about labor compliance,
3. **Handle a labor complaint**, how to respond and who to contact or refer information to,
4. **Coordinate with other agencies** to ensure a response.

Facilitator Notes

Goal for Wrap Up: Participants reflect on, what they can do to prevent FL/TIP?

20 minute brainstorm exercise:

Ask the group, based on what they now can see, what can they do to prevent FL/TIP?

1. Educate during inspection
2. Communicate or report violations

Thank participants for their hard work and adjourn Day 1.

Train the Trainers Manual:

Multidisciplinary Inspection on Fishing Vessels

Day Two, Module Two:

Establishing Channels for Responsive Inspection

Step One:

Introduce the Day

The focus today is on Responsive Inspection. Handling a complaint is the first step followed by coordinating with other agencies to ensure a response.

In advance:

Load the Day Two slides in the projector and project the graphic below. On each of 2 poster papers, draw a basic grievance mechanism then on 2 more draw a basic referral mechanism and finally on 2 more a coordination mechanism. Place a set in the center of each table. Have on hand the filled case study tables from Day One.

Facilitator Notes

Goal this Step: Showcase what participants are doing already to prevent FL/TIP.

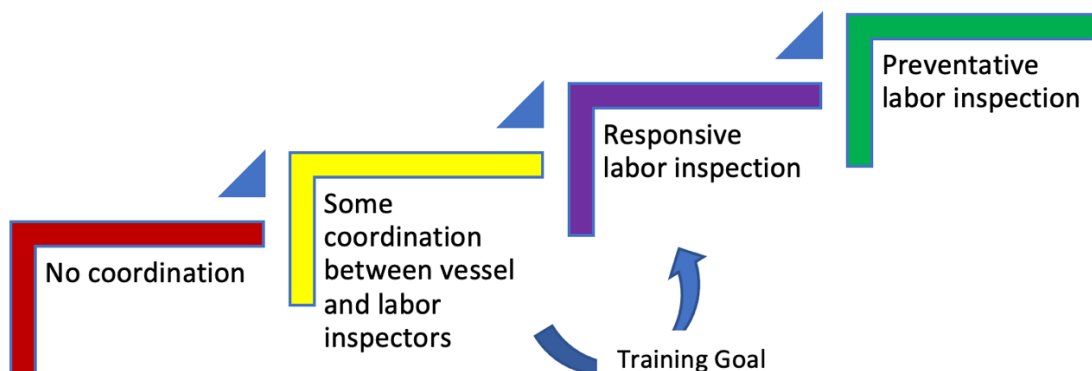
Warm Up Exercise—Ask the group to:

- Describe efforts you see are helping to professionalize the fishing sector.
- Are you doing anything differently than 5 years ago to prevent FL/TIP in fishing?
- What are you most proud of?

Welcome back the group:

1. Reintroduce yourself and the team, hosts, participants and the workshop format, timing and breaks.
2. Introduce the focus for the day (above).
3. Introduce the concept and graphic.
4. Do the Warm Up Exercise (see Notes)

Introduce the concept of Responsive Inspection: Some coordination and communication occur already between labor and maritime departments but additional steps may be needed to verify that fishing vessels are operating with legally-compliant labor conditions.



A timely response to a labor violation is the Number One thing fishing vessel workers need to safeguard their conditions. Over time and with practice, education and enforcement actions will reach a tipping point for prevention of FL/TIP.

Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

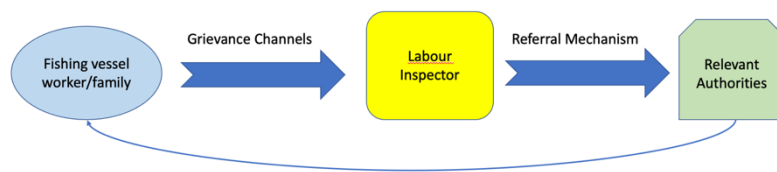
Day Two, Module Two, Step Two:

Handling a Labor Complaint: Grievance Mechanisms

In advance: On each table, place one case study and accompanying filled table from the Day One, Step 3 exercise.

1. Introduce the first graphic.
2. Introduce the concept.
3. Introduce the second graphic.
4. Do the exercise (see Notes).

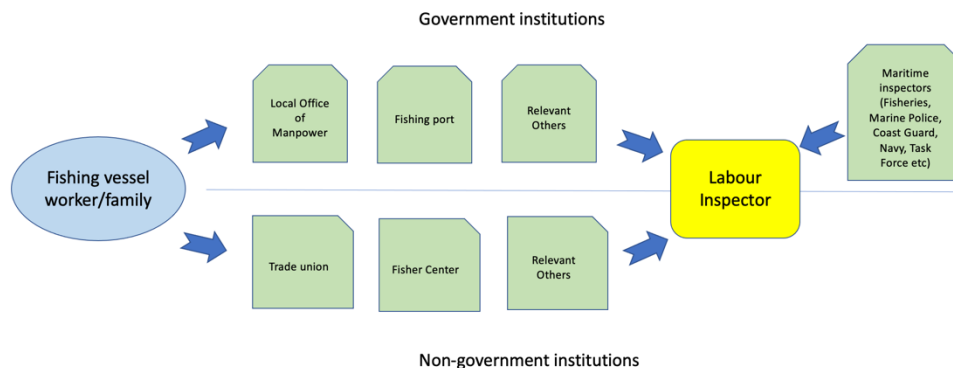
Grievance Channels & Referral Mechanism



Introduce the Concept: Inspectors play a critical role in receiving complaints. Due to vessel locations, different authorities can receive different but essential information, as do non-government organizations. Most grievance information will be reported to labor departments, so it is helpful to have an overall concept.

Fishing vessel workers are entitled to a safe, responsive channel and with someone on the receiving end taking responsibility for responding in an effective and timely manner. This is key to understanding true conditions in the workplace and allowing for a pathway to prevent abuses or breaking the law.

Receiving Complaints (Grievance Channels)



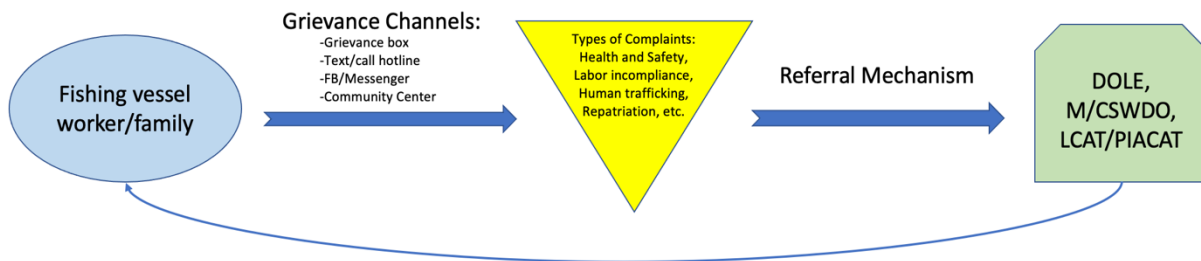
Facilitator Notes

Goal this Step: Inspectors learn an overall concept for receiving labor complaints.

After introducing the graphics, ask for a volunteer reporter at each table. Pass out the case studies. Instruct the groups to read it and then use the poster paper to draw out the channels they know of:

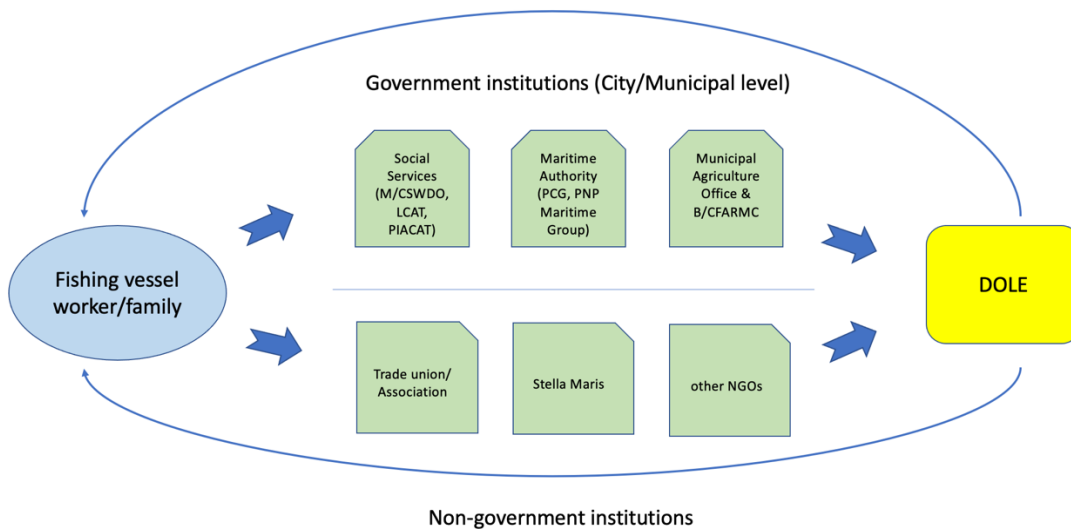
- The group then adds all sources of labor complaints they know of
- Assign a wall area where they can put up their poster.
- Allow 15 minutes for this exercise and another 5 minutes to stand up and view the other group's poster.

Grievance Channels & Referral Mechanism (Philippines)



*Agencies/organizations involved: PCG, PNP Maritime Group, BFAR, Stella Maris

Receiving Complaints (FL/TIP Issue)



Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

Day Two, Module Two, Step Three:

Handling a Labor Complaint: Referral Mechanisms

In advance: If participants are returning from a break, consider re-seating them for a different mix at each table.

1. Introduce the first graphic.
2. Introduce the concept.
3. Do the exercise (see Notes).

Introduce the Concept: Once grievance information is collected, a decision is taken about what to do next, for example to plan an investigation or prepare a letter to the vessel owner. Some reports must be referred between labor, maritime and enforcement authorities to ensure they are handled in the correct jurisdiction and manner for an effective response.

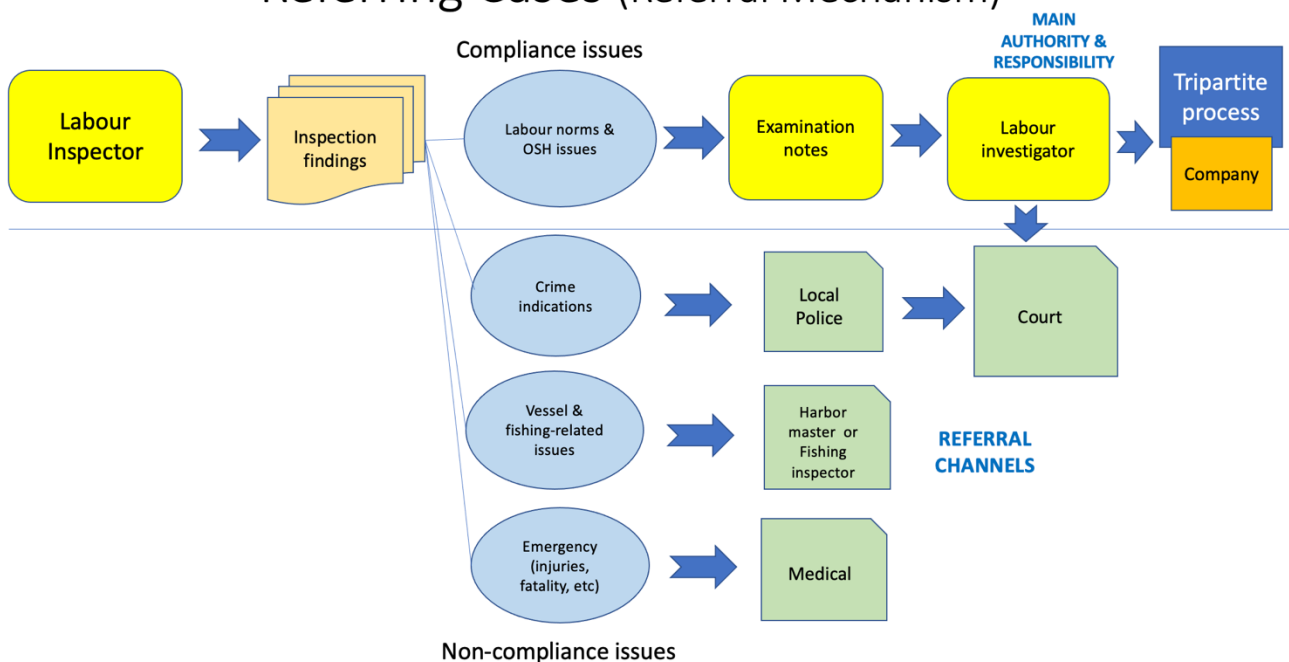
Facilitator Notes

Goal this Step: Inspectors learn an overall concept for referring labor complaints.

After introducing the graphic, ask for a volunteer reporter at each table. Using the poster paper and case study, instruct the groups to draw referral channels they know of:

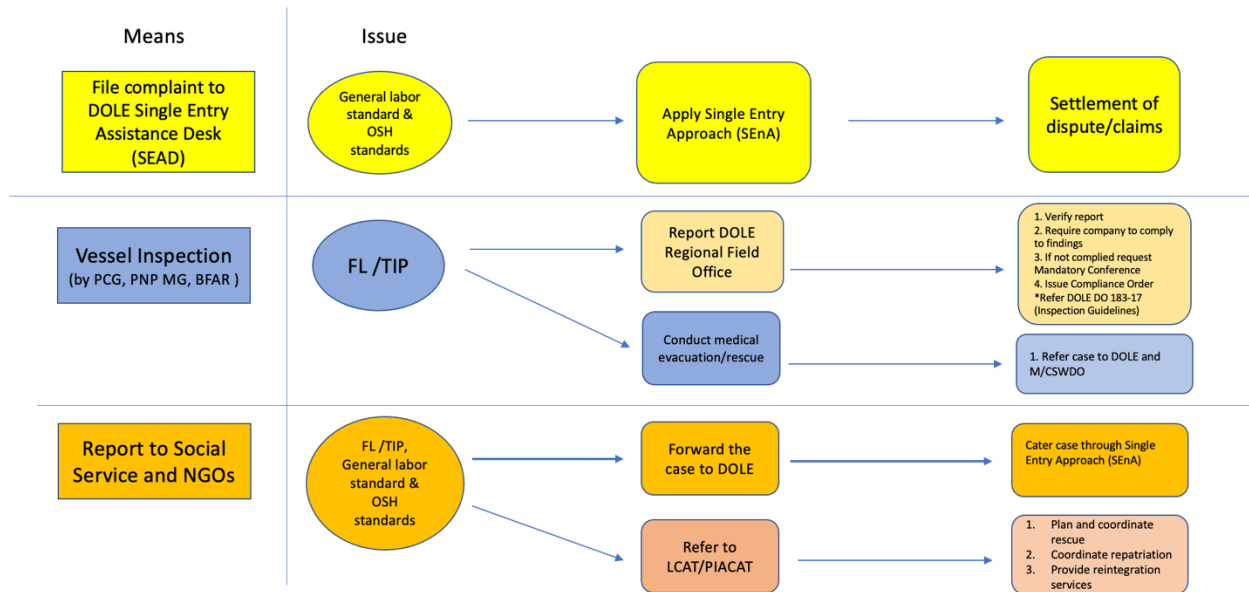
- Read/watch the case study again.
- Instruct the group to add the parties they think would be involved in this referral
- Assign a wall area where they can put up their poster.
- Allow 20 minutes for this exercise and 5 minutes to stand up and view the other group's poster.

Referring Cases (Referral Mechanism)





Referral Pathways (FL/TIP)





Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

Day Two, Module Two, Step Four:

Coordinate with Other Agencies: Learn Respective Protocols

In advance: At each participant’s place, provide printed copies of ‘Coordinating Authorities for Labor Inspection on Fishing Vessels’ and fillable flow charts (below).

1. Introduce the concept.
2. Invite a representative from each agency present to state their mandate regarding fishing vessels and fishing vessel workers.
3. Ask participants to read the tables provided and allow 5 minutes.
4. Complete the exercise (see Notes). A blank flowchart is provided below.

Introduce the Concept: For an efficient and coordinated response, recognizing each other’s protocols is key. An overview of respective roles is provided to recognize the different mandates and various paths for coordinating with other agencies.

Philippines Coordinating Authorities for Labor Inspection on Fishing Vessels

| Agency | Protocol |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department of Labor and Employment – Field Office level | <p>DOLE DO 183-17 (Inspection Guidelines) Violations related to General Labor standards and Occupational Health and Safety Standard:</p> <p>Step 1 (<i>10 to 90 days depending on the findings</i>): At the level of labor inspectors</p> <ul style="list-style-type: none"> • Issue Notice of Result to vessel company that contains the finding to the employer representative, usually boat captain. Provide them 10 days to comply if it violates the General labor standards. If within Health and Safety they require compliance immediately e.g., not enough lifesaving equipment then the vessel then to provide that asap. Other OSH standard up to 90 days. <p>Step 2 (<i>30 days</i>): If vessel owners don’t comply or submit the requirements:</p> <ul style="list-style-type: none"> • Labor inspector will prepare Endorsement Letter to be submitted to the Field Office. • Upon receipt of Field Office, they will prepare and issue Notice of Mandatory Conference where concerned parties are invited to present themselves, provide evidence, etc., within that given date and time. <p>Step 3: If companies still did not comply for whatever reason, DOLE now prepares and issues Compliance Order to the vessel owner/company.</p> <p><i>Period: 30 days</i></p> |

Facilitator Notes

Goal this Step: Inspectors introduce their role and learn the roles of other participants and agencies.

After participants have finished reading, divide participants into small groups of 3-4 people from the same office/agency. Instruct them to bring the flow chart from the materials and join their group. Give each group a different labor complaint and ask them to show **how they would refer it following their existing protocol** and to name the organizations and forms that must be used.

1. Ask one person to volunteer as the group reporter.
2. Allow 10 minutes.
3. Instruct the groups to consider the response that will be generated.
4. Ask, will it respond to the needs of the fishing vessel worker? Is anything missing? If so, please add it to your flowcharts.
5. Ask each group reporter to present a summary of the completed flow charts in their groups and then post it on the wall.
6. Allow 5 minutes for viewing.

Train the Trainers Manual:

Multidisciplinary Inspection on Fishing Vessels



| | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>DOLE can only issue order stoppage if the action of the vessel owners is hazardous. Legal basis is DOLE DO 198 - 98 based on RA 1105 (OHS law).</p> <p>In addition, if DOLE receives complaints from individuals, they use Single-Entry Approach or SENa to document and facilitate the lodge to their office to settle issues/complaints arising from employer-employee relations such as termination, retrenchment, claims, unfair labor practices, etc.</p> |
| BFAR | <p>BFAR is mandated to inspect the legal requirements of CFV such as registrations, commercial fishing vessel license, license of fishers and other requirements per applicable laws for commercial fishing vessel. Upon inspection where the requirements are present, they issue certificate of clearance.</p> <p>They inspect the vessel upon its return to the homecourt/port.</p> <p>BFAR can charge vessels if found to employ unlicensed fisher folk under Fisheries Code 113 is violation.</p> <p>If they caught minor onboard fishing vessel, they call the attention of MSWDO to take action.</p> |
| MARINA – Maritime Safety Service | <p>Conduct safety inspection prior to issuance of safety certificate annually. They issue Fishing Vessel Safety Certificate and Minimum Safe Manning Certificate to fishing vessel owners or company. Legal basis is the Philippine Fishing Vessel Safety Rules and Regulations (PFVSRR).</p> <p>If they received or identity complaints such as non-payment of wages, unpleasant accommodation, etc. they include that their report and forward to concerned office for appropriate action.</p> |
| Philippines Coast Guard | <p>They are the last authority to inspect the fishing vessels (3 gross tons and up) at the port before departure following MARINA’s safe manning requirements. Prior to departure of the boat, the Boat captain submits Masters Declaration of Safety Departure (MDSD) to PCG inspector. PCG then conducts predeparture inspections. They check safety of the vessel, manning requirements, lifesaving equipment, certifications of the vessel, identification of crew members including fish workers, and good weather conditions.</p> <p>If there are minors, they instantly direct them to leave the boat premises. They don't allow boats to leave the port with the minors. Leaving the port without clearance from PCG has fine and their boats will be impounded. Fine is between Php 50,000 to Php 100,000. The boats remain with PCG until they have settled the fines.</p> <p>If they identify signs of FL during the inspection and other violations, they include the findings in the Inspection Apprehension Report (IAR) which is then forwarded to concerned agency. For example, DOLE to take the next steps to address findings related to non-payment of wages, etc.</p> |
| PNP Maritime Group | <p>They conduct inspections to check registrations, permits, crew, to ensure the safety of the vessels- 3 GT above. If vessels violate municipal ordinance, they forward the issues to the Municipal Agriculture Office while the violation of provincial ordinance they take action.</p> |

Train the Trainers Manual:

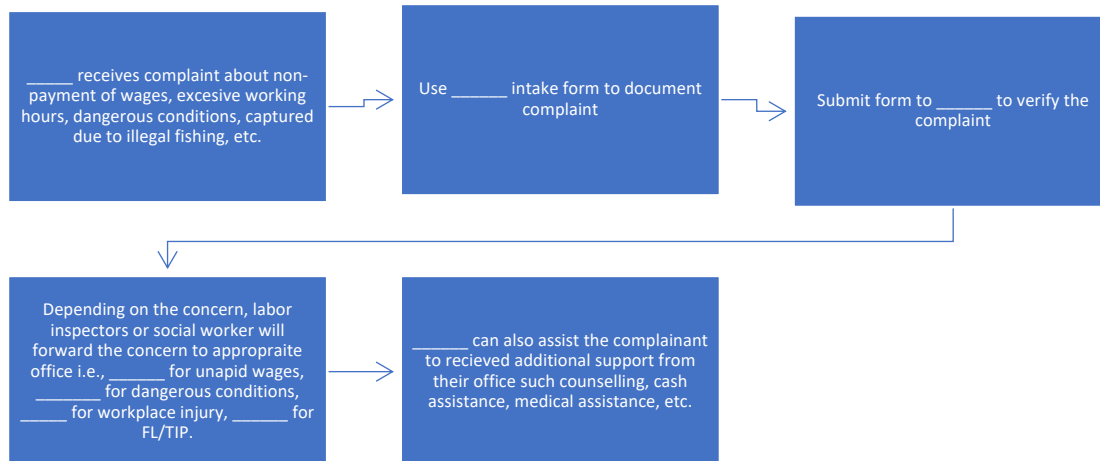
Multidisciplinary Inspection on Fishing Vessels



| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>They also conduct emergency evacuations when they received emergency calls from the boat captain and boat operation about a crew member who was injured or when boats are stranded due to bad weather condition.</p> <p>They also bring injured fishers to the hospital.</p> <p>If they receive or find out violations concerning labor issues or child labor they will forward to appropriate agency i.e., PESO, MSWDO.</p> |
| <p>Social services sector play a supporting role in terms of responding to issues being handed to them and raising awareness of FL/TIP in fishing sector:</p> | |
| <p>Social Welfare Office (City/ Municipal level)</p> | <ul style="list-style-type: none"> • If they will receive complaints of labor concerns from fishers, they can refer them to appropriate agency since labor issues is not within the mandate of DSWD. • If they need medical or financial support, the LGU is also willing to provide assistance. The LGU has identified the fishers as vulnerable groups and they have programs to assist them. • They can refer the complainant to legal services should they decide to pursue legal recourse. |
| <p>PIACAT (Saranggani)</p> | <ul style="list-style-type: none"> • The PSWDO coordinates with the local government units of concerned victims of human trafficking. • They helped facilitate the repatriation of fishers captured in Indonesia for illegal fishing. • They have 'service mapping' where they refer the complainant to appropriate agency: • DOLE for labor concerns; TESDA to provide training; local government units; PCG for rescue operations • The provincial IACAT take holistic approach to respond to cases of FL/TIP of fishermen as well as in providing services for their reintegration. • They also an integrated database where trafficking cases are stored and accessed by their staff assigned to the cases however this database is not functional. |
| <p>Stella Maris</p> | <ul style="list-style-type: none"> • They provide legal advice to fishers; assist complainants to govt agencies for assistance. Both for Gensan and Saranggani areas (whole of region 12) extending even to Davao. • They assist the repatriation of Filipino fishers to the Philippines who are captured by authorities in Indonesia for illegal fishing. |
| <p>Palawan Council for Sustainable Development</p> | <ul style="list-style-type: none"> • Their office supports logistics and sometimes accompanies the NBI, PCG during rescue operations. They provide the aftercare for the victims specially those who are coming outside of Palawan - they provide shelter, food, logistics up until they return to their provinces or municipalities. • They also exchange information with NBI and PCG on red flag vessels involved in criminal activities and PNP Maritime group during rescue or entrapment operations. |

Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

Flow Chart for the Day Two, Module Two, Step Four Exercise



Train the Trainers Manual:

Multidisciplinary Inspection on Fishing Vessels

Day Two, Module Two, Step Five:

Coordinate with Other Agencies: Coordination Mechanism

In advance: Ensure there are colored markers on tables.

1. Introduce the concept.
2. Introduce the graphic.
3. Do the exercise (see Notes).
4. Share the Portugal/Spain example.
5. Ask the group if they can see any new opportunities to coordinate? Allow 10 minutes for discussion.

Introduce the concept: A coordinated response is very important for planning, institutional efficiency, and for providing assistance to fishing vessel workers as quickly as possible. Ideally, complaint reports are linked into a streamlined system for case referral between labor, maritime and enforcement authorities. Furthermore, forced labor reporting is a serious matter that must follow the correct legal protocol.

Facilitator Notes

Goal this Step: Inspectors learn a coordinating concept with other agencies to ensure a response.

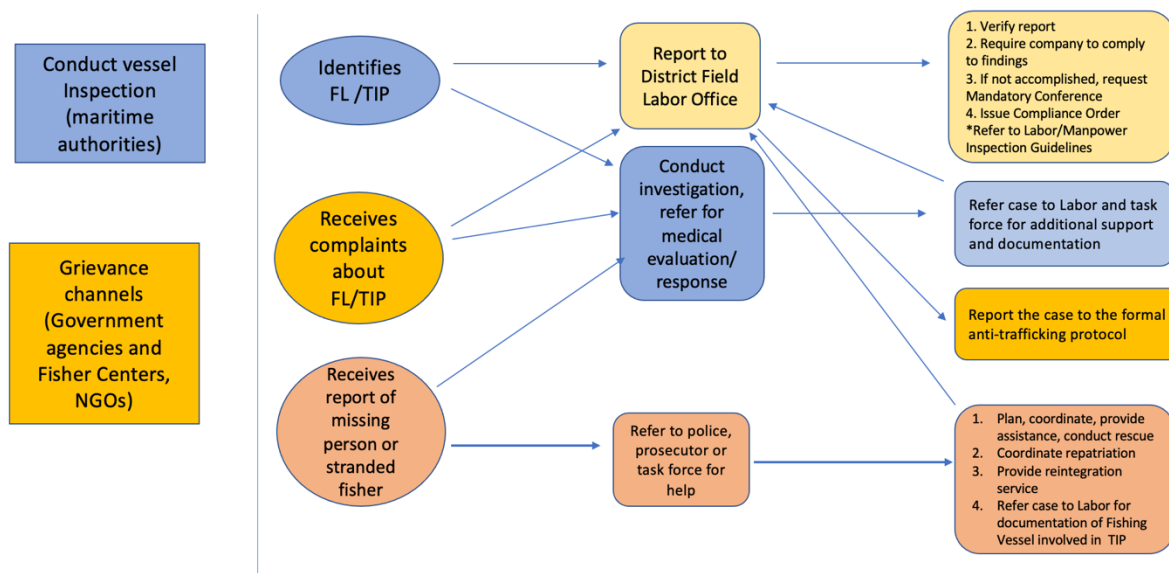
Exercise:

Ask for a volunteer reporter at each table. Using the poster paper, instruct the groups to draw out the coordination mechanism:

- Instruct the group to fill the diagram with the needed agencies and to list challenges they see to coordination.
- Allow 10 minutes for this step.
- Assign a wall area where they can put up their poster.
- Allow 5 minutes to stand up and view the other group's poster.
- Allow 5 minutes again for the posters after the Portugal/Spain example.

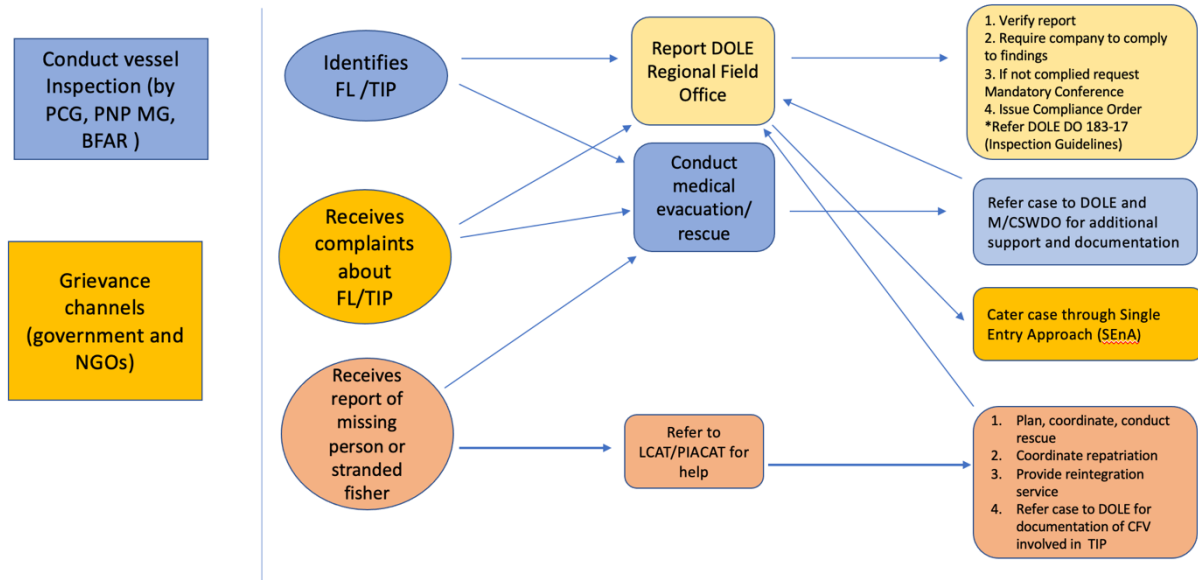
Summary: Coordination makes it easier to plan inspections. While not yet able to conduct labor inspections at sea, multidisciplinary inspection for fishing vessels is more effective.

Coordination Mechanism for Fishing FL/TIP





Coordination Mechanism for Fishing FL/TIP





Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

Peer to Peer Example: Joint Inspection between Portugal and Spain

Introduce the concept

International Good Practice: The labour inspectorates in Portugal and Spain, in conjunction with maritime and fishing authorities, cooperated to organize joint inspections of fishing vessels for the purpose of detecting fishing work that did not supply a contract.

The type of control performed was specific undeclared work controls in the fishing sector. Employers were directly targeted. Workers involved in undeclared work were directly targeted.

Their purpose was Deterrence: to improve detection. The two countries coordinated joint inspection activities to detect undeclared work and illegal workers onboard Spanish fishing vessels, who may include foreign fishing crew from the Philippines and Indonesia, and to stem the increase in irregularities relating to working conditions and employment contracts.

Play video (5-10 minutes)

These joint inspections were successful and relatively low-cost to implement because of the proximity of labour inspectorates around the border between Portugal and Spain. Key lessons and success factors are as follows:

1. Authorities must understand each other's procedures and protocols, as well as staff roles;
2. Flexibility on timing of the inspection is important as movements of vessels can be unpredictable;
3. Inspections rely on good information about potential violations (e.g. complaints);
4. Whilst unannounced inspections are effective, they require particularly careful planning and swift execution.

On the occasion of [depositing Portugal's ratification of the Work in Fishing Convention](#) 188, Portuguese Secretary of State for Foreign Affairs and Cooperation Teresa Ribeiro stated in November 2019:

"We support international labour standards and decent work in all economic sectors, including fishing, a very important human activity. In Portugal there are tens of thousands of jobs directly or indirectly related with fisheries. These workers are entitled to be protected from the global transitions that are also affecting this sector, and to have guaranteed access to social protection rights and to good patterns of occupational security and health."

Questions and Answers (10 minutes)

Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

Day Two, Module Two, Step Six: Wrap up of Day Two

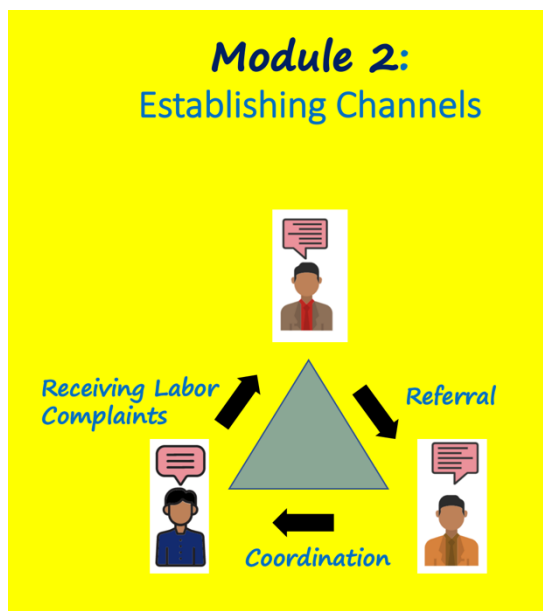
1. Project the first graphic.
2. Congratulate participants for completing Module 2 and read out the conclusion.
3. Project the second graphic.
4. Complete the reflection exercise (see Notes).
5. Ask participants:
 - What feedback would they like to share on the workshop?
 - Would anyone like to make any points to the group?
6. Thank participants and hosts for their excellent work at this workshop and on their jobs in the field.
6. Invite them to trade contact information with others who are new to them and to complete and submit the feedback form and post-test online.

Conclusion: Having now completed the training, participants have gained essential knowledge for inspecting fishing labor in a coordinated and responsive way. Recapping, on Day One participants learned to recognize signs of FL/TIP in fishing and labor risks. On Day Two, they learned more about handling a labor complaint and coordinating with other agencies to ensure a response. Over time and with practice, education and enforcement actions will reach a tipping point for prevention of FL/TIP.

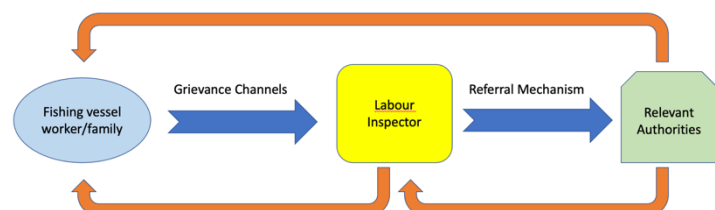
Facilitator Notes

Goal for Wrap Up: Inspectors have gained a coordination concept and are considering what else may be needed to prevent FL/TIP in fishing.

10 minute reflection exercise: Ask the participants to reflect and write down their response. Based on what they now can see, what else is needed to prevent FL/TIP in fishing? For example an interagency MoU? Ask for volunteers to share their reflections.



Result: Accountability & Transparency





Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

Appendix 1 Pre and Post Test

Test if they know the legal basis, International and DO 156-16.

A single test of 10 questions is provided for inspectors to take at the beginning and end of the training to test their knowledge of the module content.

1. When a minor work injury occurs onboard a fishing vessel, are any of the following a labor violation?
 - a. Fishing vessel workers are not allowed to touch the first aid kit
 - b. Fishing vessel workers onboard have not received first aid training
 - c. The master ignores the injury
 - d. None of the above
 - e. All of the above

2. When a major work injury occurs onboard, what is the master's responsibility?
 - a. Report the injury to the harbormaster by radio
 - b. Return to the fishing port and provide medical care for the injured fisher immediately
 - c. Pay for the medical care
 - d. None of the above
 - e. All of the above

3. What should a maritime authority do when they receive a labor complaint from a fishing vessel worker, or their family or representative?
 - a. Make a report and submit it to their supervisor
 - b. Advise the complainant to write a note and deposit it at the nearby Fisher Center
 - c. Educate the fishing vessel worker of their rights in that instance, for example to receive the minimum monthly wages for that work category
 - d. Write a report and submit it to the labor department
 - e. A and D
 - f. Any of the above

4. Who is responsible for paying travel costs for fishing vessel workers recruited non-locally?
 - a. The fishing vessel worker
 - b. The recruitment agent, where one is involved
 - c. The vessel owner
 - d. B and C
 - e. All of the above

5. What can a labor inspector do to check if fishing vessel workers are in debt bondage?
 - a. Ask the fishing vessel worker if any portion of their pay is being withheld by the vessel owner
 - b. Ask the fishing vessel worker if their ID is being withheld by the master or vessel owner
 - c. Ask the master when the term expires for each fishing vessel worker onboard
 - d. Any of the above
 - e. B and C
 - f. None of the above



Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels

6. What must a maritime authority do immediately if they suspect forced labor?
 - a. Examine the fishing vessel worker(s) physically for ILO indicators of forced labor
 - b. Interview the fishing vessel worker(s) with sensitivity and away from the master and vessel owner, to learn if they are working under threat or physical violence
 - c. Submit a report of their observations to their supervisor
 - d. Contact the police
 - e. Prepare and submit a report to the national anti-trafficking protocol
 - e. None of the above

7. Who does a labor inspector need to inform when receiving a complaint of FL/TIP?
 - a. Their supervisor at the labor department
 - b. The anti-trafficking task force
 - c. The vessel owner
 - d. Law enforcement
 - e. A and B
 - f. Any of the above

8. How can multi-disciplinary inspection most help labor departments?
 - a. Increase information flow from maritime authorities and port-area services
 - b. Better tracking of complaints and the progress made to resolve them
 - c. Fill gaps in inspection at sea
 - d. Plan inspections most effectively
 - e. All of the above

9. How can multi-disciplinary inspection most help maritime authorities?
 - a. Understand the typical labor violations that may be experienced by fishing vessel workers
 - b. Know how to relay information appropriately and effectively
 - c. Establish clear channels for information about violations observed at fishing ports and at sea
 - d. A and C
 - e. All of the above

10. How can multi-disciplinary inspection most help fishing vessel workers on the job?
 - a. Educate fishing vessel workers about their workplace rights
 - b. Educate fishing vessel masters and owners about their requirements to operate legally
 - c. Establish channels for receiving and referring a labor violation or complaint
 - d. Coordinating a response among government and non-government actors for a timely response that remedies a potentially illegal situation
 - e. None of the above
 - f. All of the above

Train the Trainers Manual: Multidisciplinary Inspection on Fishing Vessels



Appendix 2: Pre-Reading Material

Legal Umbrella for Preventing Forced Labor and Trafficking in Persons in the Fishing Sector, including Illegal Forms of Child Labor

| Indonesia law | Philippines law | International law |
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| <p><u>Minimum Age is 18 because Fishing was classified as Hazardous Work:</u> See Article 74 of the Manpower Act; Article 2 of Ministerial Decree No. 235 (47,48); Annex F of Ministerial Decree No. 235: Jobs that Jeopardize the Health, Safety, or Morals of Children (48).</p> <p>Adalah ilegal di Indonesia bagi Pemuda <18 tahun untuk melakukan pekerjaan yang melibatkan anak dalam kegiatan penangkapan ikan lepas pantai atau penangkapan ikan di perairan dalam/pelagis; pekerjaan di daerah terpencil dan terpencil; pekerjaan di kapal; atau pekerjaan yang mengharuskan anak untuk bekerja antara jam 6 sore sampai jam 6 pagi per Art. 74 Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan.</p> <p>It is illegal in Indonesia for Youth <18 years old to do jobs which engage the child in offshore fishing activities or in fishing in deep/pelagic waters; jobs in isolated and remote areas; jobs in ships; or jobs which require the child to work between 6pm to 6am per Art. 74 of Act No. 13 of 2003 on Manpower.</p> | <p><u>Minimum Age is 18 because Fishing was classified as Hazardous Work:</u> See Article 137 of the Labor Code as renumbered; Section 12-D of the Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act (53-55); Department Order 149 and 149A on Guidelines in Assessing and Determining Hazardous Work in the Employment of Persons Below 18 Years of Age; Sections 12-D and 14 of the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (2,54-57); Compulsory Education until 18 per Section 4 of the Enhanced Basic Education Act (64)</p> <p>Bawal sa Pilipinas para sa mga Kabataang Wala pang 18 taong gulang na magtrabaho sa malalim na dagat o pangingsda sa labas ng pampang ayon sa DOLE Department Order 4, Listahan ng mga Mapanganib na Trabaho sa mga Kabataang Manggagawa.</p> <p>Fishing work by Youth under age 18 is illegal in deep sea or offshore fishing operations <i>per DOLE Department Order 4, List of Hazardous Occupations to Young Workers.</i></p> | <p><u>Minimum Age 18 for Hazardous Work:</u> ILO C.182, Worst Forms of Child Labour</p> |
| <p><u>Illegal Forms of Child Labor:</u> See Law on the Ratification of ILO C. 138; Article 69 of the Manpower Act (46,47)</p> | <p><u>Illegal Forms of Child Labor:</u> See Article 137 of the Labor Code as renumbered; Section 12 of the Special Protection of Children</p> | <p><u>Illegal Forms of Child Labour:</u> ILO C.182, Worst Forms of Child Labour <u>Minimum Age 15:</u> ILO C. 138, Minimum Age</p> |



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| | <p>Against Child Abuse, Exploitation, and Discrimination Act</p> <p>The Philippines is considering House Bill No. 6015, which aims to provide stiffer penalties for violations of Republic Act No. 9231 by imposing both imprisonment and a fine for every instance a child is engaged in employment other than what is stated in the law.</p> | |
| <p>Child Trafficking is Illegal: Articles 1–6 and 17 of the Law on the Eradication of the Criminal Act of Trafficking in Persons; Article 83 of the Law on Child Protection (49,50)</p> | <p>Child Trafficking is Illegal: Sections 3(a), 4(k), 5, and 10 of the Expanded Anti-Trafficking in Persons Act; Sections 12-D and 16 of the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (55,58)</p> | <p>Child Trafficking is Illegal: ILO C. 182, Worst Forms of Child Labor</p> |
| <p><u>Jeratan hutang adalah ilegal / Debt bondage is illegal:</u> Sesuai Undang-Undang Republik Indonesia Nomor 21 (2007) Ayat 1 tentang Tindak Pidana Perdagangan Orang. Setiap orang yang merekrut, mengangkut, menampung, mengirim, memindahkan, atau menerima seseorang dengan ancaman kekerasan, penggunaan kekerasan, penculikan, pemenjaraan, penipuan, penipuan, penyalahgunaan wewenang atau posisi rentan, jeratan hutang atau pemberian pembayaran atau manfaat meskipun telah diberikan persetujuan oleh orang lain yang menguasai orang tersebut, untuk maksud memanfaatkan orang tersebut di dalam wilayah Negara Kesatuan Republik Indonesia dipidana dengan pidana penjara paling singkat 3 (tiga) tahun dan paling lama 15 (lima belas) tahun dan denda paling sedikit Rp120.000.000,00 (seratus dua puluh juta rupiah) dan paling</p> | <p><u>Debt bondage is illegal:</u> According to Sections 4 and 5 of the Expanded Anti-Trafficking in Persons Act Sections 12-D and 16 of the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (55,58), Labag sa batas sa Pilipinas ang mag-recruit, mag-transport, maglipat, mag-harbor, kumuha, magpanatili, mag-alok, umupa, magkaloob o tumanggap ng isang tao sa pamamagitan ng paraan para sa mga layunin ng sapilitang paggawa, pagkaalipin, pagkaalipin sa utang at hindi boluntaryong paglilingkod, kabilang ang isang pamamaraan, plano, o pattern na nilayon upang maging sanhi ng tao alinman sa: (1) Upang maniwala na kung ang tao ay hindi gumanap ng ganoong paggawa o mga serbisyo, siya o ibang tao ay magdaranas ng malubhang pinsala o pisikal na pagpigil; o</p> | <p><u>Debt bondage is illegal:</u> The ILO Declaration on the Fundamental Principles and Rights at Work (1998), establishes a basis for governments to protect the legal rights of all workers and to have: (1) freedom to associate with other workers and to bargain collectively with the employer, (2) protection from work that is unpaid or not agreed to, (3) protection from illegal or dangerous child work interfering with the child’s rights, and (4) no discrimination in hiring, work placement, and advancement.</p> <p>The primary source of international anti-trafficking law is the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) and supplemented with practical guidance for governments and companies known as the UN Guiding Principles on Business and Human Rights (2011).</p> |

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| <p>banyak Rp600.000.000,00 (enam ratus juta rupiah),</p> | <p>(2) Upang abusuhin o banta ang paggamit ng batas o mga legal na proseso. Alinsunod sa Seksyon 4.j ng Expanded Anti-Trafficking in Persons Act</p> | |
| <p><u>Illegal to charge recruitment fees:</u> Law Number 18 of 2017 states that there is a prohibition on charging fees for the recruitment process. Law Number 18 of 2017 clearly regulates the sanctions that can be imposed on violations committed by P3MI during the preplacement activities of prospective migrant workers.</p> | <p><u>Illegal to charge recruitment fees:</u> According to DOLE DO 156-16 Sec 7, the recruitment and placement of fishers shall adhere to DOLE DO 141, s.,2014 which states “No fees whatsoever shall be collected neither deducted from the salaries or wages of the workers.”</p> | <p><u>Illegal to charge recruitment fees:</u> IRIS standard for Ethical Recruitment, International Office of Migration The ILO General principles and operational guidelines for fair recruitment advise that workers are to be engaged only through compliant labour recruiters, (1) never retaining workers’ ID or contracts, (2) workers must have copies or access to their documents and must understand what is written), and (3) never charging fees from fishing crew member workers for employer costs, including to recover recruitment fees.</p> |
| <p><u>Decent Work in Fishing:</u> In North Sulawesi, minimum wages and conditions are based in article 90 paragraph 1 of Law No. 13/2003 on Employment junto PP NO 36/2021 article 23 paragraph 3 and article 24 paragraph 1. Jo. Decree of the Governor of North Sulawesi NO. 330/2020 regarding the determination of the North Sulawesi UMP. Article 9 paragraph 1 and paragraph 2 of PP No. 36 of 2021 concerning Wages requires that THR (religious) must be given by employers to laborers for at least 1 month's wages. Indonesia is considering a federal action plan, RAN PPKAP, which states that Indonesian fishing vessel workers are entitled to safety, security and welfare and provides the necessary regulatory</p> | <p><u>Decent Work in Fishing:</u> Department Order 156-16 (2016) sets out rules and regulations governing the working and living conditions of fishers on board fishing vessels engaged in commercial fishing operation. Salient features are summarized on a separate sheet.</p> | <p><u>Decent Work in Fishing:</u> The objective of the Work in Fishing Convention 188 is to ensure that fishers have decent conditions of work onboard 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. It applies to all fishers and all fishing vessels engaged in commercial fishing operations, generally >24m length and at sea for 3 or more days. Among the minimum requirements are to: (1) Ensure the skipper is provided with the necessary resources and facilities to comply with the requirements of the Convention, (2) ensure fishers are not below the minimum age for work on fishing vessels and ensure</p> |

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| <p>framework and mechanisms for coordination.</p> | | <p>protection of young fishers (3) ensure vessels are sufficiently and safely manned for safety navigation and operation, including, for vessels at sea more than 3 days, that fishers have prescribed minimum rest; (3) ensure vessels carry a crew list; (4) ensure fishers have a written work agreement that is comprehensible to them and is consistent with the provisions of the Convention, even when the fishing vessel owner is not the direct employer; (5) ensure fishers hold a medical fitness certificate, (6) provide medical equipment and supplies and ensure a person on board is trained to provide first aid; (7) provide adequate accommodation, food and water (8) protect fishers against occupational accidents diseases and work-related risks, including through risk assessment (9); ensure protection for work-related sickness, injury or death; (10) repatriate fishers following the termination of the agreement or for justified reasons.</p> |
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Pre-Read Philippines

Salient features of Department Order 156-16 (2016) that will be covered in this workshop:

Rules and regulations governing the working and living conditions of fishers on board fishing vessels engaged in commercial fishing operation

- Vessel workplaces are distinguished by size: Small scale 3.1-20 gross tonnage, Medium 20.1-150 GT, Large >150 GT (I.4), Exceptions: Vessels on a foreign registry, municipal, subsistence, or recreational fishing.
- Vessels require a 2-year Certificate of Compliance from DOLE (3.b),
- The captain or master and vessel owner are jointly liable to fulfil the duties (II.5).
- There shall be a work agreement (IV.1) submitted to DOLE (IV.2) and specifying minimum benefits (IV.3), meal breaks (IV.4) and rest (IV.5).
- Fishers shall receive compensation to ensure a decent working and living standard (V.1) and implemented appropriate for small-scale (V.2a), medium (V.2b) and large (V.2c). Daily minimum wages shall not be less than prescribed by the appropriate RTWPB (V.3a) that is supplemented by productivity pay on medium or large vessels (V.3b). Wages must be paid in cash every 2 weeks and not longer than within 16 days (Max. 1 month) and with provisions for remittance to family made available no cost (V.5) and, critically, wages are transparent in that fishers know them, have agreed, and wages are documented (V.6).
- Vessel owners will implement due occupational safety and health on board (VII.2.1) and, on larger vessels, establish a committee (VII.2.2). All fishers and captains shall be duly trained in safety and health on board as prescribed by DOLE or MARINA (VII.2.3). The vessel owner is responsible for maintaining the vessel's physical infrastructure and for preventing hazards (VII.2.4). Critically, they must provide adequate first aid services on board and communications to shore for medical assistance and then in port ensure access for fishers to needed medical treatment (VII.2.5). Food and potable water must be accessible to fishers on board and sufficient and safe (VII.2.6). On large vessels, minimum accommodations are specified (V.3) including a responsibility for the vessel owner to submit safety and health reports (VII.4) including incident reports (VII.5).
- For termination, fishers are entitled to two prior notices (VIII.1). Critically, repatriation costs are the vessel owner's responsibility (VIII.2) including where fishers are arrested because the vessel is apprehended for illegal fishing.
- Fishers are entitled to social welfare benefit; vessel owners are responsible for medical and hospitalization expenses in absence of social security coverage (IX.1).
- Vessel workplaces operated by joint ventures are required to uphold due law (X.1). Fishers are industrial partners where they have an equal standing (X.2) and entitled to wages and benefits described in V.
- BWC, OSHC, BFAR, PFDA, MARINA and PCG shall coordinate a responsive program for the safety and health of fishers (XI.1) and provide fishers with due training (XI.2).
- Fishers have the right to organize and bargain collectively (XII.1) and shall be assisted by the NCMB pursuant to the rules of NWPC (XII.2).
- DOLE shall conduct joint assessment of vessel compliance with labor, safety and health, and utilizing a manual developed by BWC and OSHC (XIII.1). Maritime enforcement involves DOLE, DA, DOTC, BFAR, PFDA, MARINA and PCG (XIII.2). Vessels shall obtain a Certificate of Compliance for labor, safety and health (XIII.3). DOLE, OSHC, BFAR, MARINA, PFDA and PCG shall jointly assess compliance (XIII.4). Vessels shall be encouraged to participate in the Incentivizing Compliance Program (XIII.5). Violations of the employment agreement shall be initially resolved pursuant to the Single Entry Approach Program (SEnA) (XIII.6). Safety and health violations shall be resolved pursuant to DOLE 151-16 (XIII.7). A regional industry Tripartite Council shall be formed and shall monitor its members compliance. The monitoring body shall include the Fisheries and Aquatic Resources Management Councils (XIII.8). BWC shall maintain a registry of compliant vessels (XIII.9).
- DOLE shall accommodate livelihood opportunities during lean or closed fishing periods (XIV).
- Double indemnity shall be imposed as the penalty for non-payment of wages and benefits (XV.1). Criminal charges shall be imposed for child or forced labor (XV.2). Obstruction of justice shall be penalized (XV.3).
- DOLE 156-16 has miscellaneous provisions (XVI).

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Appendix 3: Supplementary Materials

References: Minimum requirements in fishing workplaces in international law and standards for labor, health and safety in international law and standards.

Labor and human rights are enshrined in the international legal framework. Human rights have been in force universally since 1948, under the Universal Declaration of Human Rights (UDHR), and labor rights since 1998 under the Declaration of Fundamental Principles and Rights at Work with minimum requirements and penalties that are specified in Indonesian/Philippines law. Some additional provisions depend on whether or not the country has ratified additional ILO Conventions or international agreements. However, individual rights to a safe work cycle and to being paid as agreed are universally in force.

1. The United Nations on the Law of the Sea - UNCLOS

The United Nations Convention on the Law of the Sea (UNCLOS) establishes the flag State as the jurisdictional regime applicable to sea-based activities (Article 91), and responsible for the identification of and assistance to persons and prosecutions for rights offenses. This is particularly relevant in the context of merchant and fishing vessels moving easily and often between jurisdictions⁴. Flag States are required to take measures to ensure all vessels flying their flag comply with the standards in the core ILO conventions to prevent forced labour and the IMO treaties they have ratified. This requirement extends to all vessels on its register. A coastal State can act to regulate the activities of foreign vessels in its EEZ waters to protect its resources.

- Implementing minimum requirements: Compliance with the universal labour conventions is a minimum requirement for any flagged vessel, including vessels operating under a Flag of Convenience.

2. Work in Fishing Convention 188 by ILO

The objective of the Convention is to ensure that fishers have decent conditions of work onboard 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. It applies to all fishers and all fishing vessels engaged in commercial fishing operations. The Convention has provisions covering all vessels and higher requirements for vessels generally over 24 metres in length and at sea for three days or more.

The Convention sets out the responsibilities of States for enacting laws, regulations or other measures needed for implementing the Convention. This includes coordination among authorities, inspection (flag and port State), investigation of complaints and regulation of recruitment and placement services.

- Implementing minimum requirements: (1) Ensure the skipper is provided with the necessary resources and facilities to comply with the requirements of the Convention, (2) ensure fishers are not below the minimum age for work on fishing vessels and ensure protection of young fishers (3) ensure vessels are sufficiently and safely manned for safety navigation and operation, including, for vessels at sea more than 3 days, that fishers have prescribed minimum rest; (3) ensure vessels carry a crew list; (4) ensure fishers have a written work agreement that is comprehensible to them and is consistent with the provisions of the Convention, even when the fishing vessel owner

⁴ Surtees, Rebecca. "Trapped at Sea: Using the Legal and Regulatory Framework to Prevent and Combat the Trafficking of Seafarers and Fishers." Groningen Journal of International Law, 1:2 Human Trafficking (2013), 91-153, 96

is not the direct employer; (5) ensure fishers hold a medical fitness certificate, (6) provide medical equipment and supplies and ensure a person on board is trained to provide first aid; (7) provide adequate accommodation, food and water (8) protect fishers against occupational accidents diseases and work-related risks, including through risk assessment (9); ensure protection for work-related sickness, injury or death; (10) repatriate fishers following the termination of the agreement or for justified reasons.

3. International Bill of Human Rights

The International Bill of Human Rights consists of the Universal Declaration of Human Rights (adopted in 1948), the International Covenant on Civil and Political Rights (ICCPR) 1966, and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966.

The Universal Declaration of Human Rights includes the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979, The Convention on the Rights of the Child (CRC) 1989 and the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW) 1990, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1965, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984.

The Convention on the Elimination of All Forms of Discrimination against Women states that people will not be excluded or restricted on the basis of gender and must have equal standing in employment. It also addresses the rights of rural women in fishing and aquaculture.

The Convention on the Rights of the Child states that where children help out in a family farm or business, the tasks they do must be safe, suited to their level of development, not interfere with their other rights like to schooling, and comply with national labour laws.

The Convention on the Rights of All Migrant Workers and Members of Their Families states that all migrants have the rights to access protection and to equal treatment and conditions as nationals.

The ICCPR states the equal rights to economic resources of all people including small-scale food producers and coastal and indigenous peoples operating in the same areas and targeting the same resources as fisheries and aquaculture enterprises.

- *Implementing minimum requirements: (1) Recognize the equal rights to economic resources of small-scale food producers and indigenous peoples, (2) eliminate gender-based violence and sex role stereotyping and prejudice, provide equal standing and opportunities, and provide maternity and family leave, (3) prevent the mis-use of child labour in illegal or dangerous conditions and uphold the child's right to education and healthy development, for example by facilitating access to schooling and to secure the child's identity, including legal registration of migrant child workers, and the children of migrant workers, and (4) provide conditions and work terms to migrant and temporary workers that are equal to nationals.*

4. ILO Declaration on the Fundamental Principles and Rights at Work

Adopted in 1998, The Declaration is an expression of commitment by governments, employers' and workers' organizations to uphold basic human values - values that are vital to our social and economic lives. These principles and rights are:

- (i) freedom of association and the effective recognition of the right to collective bargaining;
- (ii) the elimination of all forms of forced or compulsory labour;
- (iii) the effective abolition of child labour;
- (iv) the elimination of discrimination in respect of employment and occupation



- *Implementing minimum requirements: Uphold workers' rights to (1) freedom to associate with other workers and to bargain collectively with the employer, (2) protection from work that is unpaid or not agreed to, (3) protection from illegal or dangerous child work interfering with the child's rights, and (4) no discrimination in hiring, work placement, and advancement.*

5. General Principles and Operational Guidelines for Fair Recruitment by ILO

The principles⁵ apply to all actors in the recruitment process for work, including facility owners, labour agents, and workers. In the recruitment process, business enterprises are required to respect workers' human rights and fundamental principles and rights at work. The operational guidelines provide specific actions to take for States, business enterprises, and labour agents. Involving social organizations is recommended⁶.

- *Implementing minimum requirements: (1) Employ human rights due diligence, (2) assess internal recruitment procedures for risks to workers and any adverse human rights impacts with which they are involve, (3) engage workers only through compliant labour recruiters, (4) contribute to improving professional recruitment standards, (5) never to retain workers' passports, ID, or contracts (workers must have copies or access to their documents), and (6) never to charge workers for costs of work, including to recover recruitment fees.*

6. International Labour Standards by ILO

It aims at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity.

- *Implementing minimum requirements: It is intended to establish the worldwide minimum requirements of human and labour protection practices through the adoption and implementation of these measures.*

7. UN Guiding Principles on Business and Human Rights

These Guiding Principles apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure.

These Guiding Principles are grounded in recognition of:

- (a) States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- (b) The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.

- *Implementing minimum requirements: (1) Embed the responsibility to uphold workers' human rights in company policy. It must stipulate the human rights expectations of personnel and business partners, and other linked parties, be informed by consultation internally and externally as required to understand risks to workers, be publicly available and communicated to all relevant parties, and be approved at the most senior level of the business enterprise, (2) identify and assess any adverse human rights impacts with which they may be involved either through*

⁵ ILO 2016: General principles and operational requirements for fair recruitment, International Labour Organization, Paris; https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_536755.pdf

⁶ International Labour Organization 2015: General principles and operational guidelines for fair recruitment, International Labour Organization; https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536263.pdf

their own activities or as a result of their business relationships, (3) integrate the findings internally and take appropriate action, and (4) provide remediation through legitimate processes where they have caused or contributed to adverse impacts.

8. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons

The primary source of international anti-trafficking law is known as the Palermo Protocol, an instrument adopted by the United Nations in 2000 that entered force in 2003. In addition to providing an agreed definition of trafficking in persons (Part II), the Trafficking Protocol contains provisions on preventative measures, assistance to and protection for victims and the criminalisation of trafficking crimes. States are to adopt or strengthen legislative or other measures to establish trafficking crimes as criminal offenses (Article 5) and establish comprehensive policies to prevent and combat trafficking (Article 9). States are encouraged to implement measures to provide for the assistance and protection of trafficking victims (Article 6)⁷.

A practical application of the Palermo Protocol to assist companies with implementation, the UN Guiding Principles on Business and Human Rights provide a 'Protect, Respect and Remedy' framework for States and business enterprises⁸. It states:

"The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights."

"The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work."

"The responsibility requires companies to avoid causing or contributing to adverse human rights impacts through their own activities, and to address such impacts when they occur. Companies are required to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts."

- *Implementing minimum requirements: (1) Embed the responsibility to uphold workers' human rights in company policy. It must stipulate the human rights expectations of personnel and business partners, and other linked parties, be informed by consultation internally and externally as required to understand risks to workers, be publicly available and communicated to all relevant parties, and be approved at the most senior level of the business enterprise, (2) identify and assess any adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships, (3) integrate the findings internally and take appropriate action, and (4) provide remediation through legitimate processes where they have caused or contributed to adverse impacts.*

9. The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel - STCW-F

This convention mandates common standards for crew members on board fishing 24 metres in length and above. Entered into force in 2012, it is a binding international framework of the International Maritime Organization (IMO) to improve the competence of crew training in the globalised fishing industry. It sets requirements for minimum training and for the application of work hours and rest

⁷ Surtees 2013

⁸ UNOHCHR 2011

periods. Some of the requirements are likely to be enforceable by Port State Control Officers authorised to check vessel records.⁹

- *Implementing minimum requirements: (1) Provide ten hours of rest in a 24-hour period and 77 hours in any 7-day period, (2) training for crew competence, including mandatory security training and medical training, (3) enforce alcohol limits in blood or breath.*

10. International Convention for the Safety of Life at Sea (SOLAS)

SOLAS entered into force in 1980 and requires flag States to ensure that all vessels operate with an automatic identification system (AIS) and comply with minimum safety standards in construction and equipment. Each vessel's VHF-transponder must have a unique vessel identifier so the vessel's identity can be traced and tracked at sea (Chapter 5, Reg. 19.2.4, SOLAS). Flag States may exempt fishing vessels from the requirement, but this is overruled by requirements in some regions like Council Regulation (EC) No. 2371/2002 requiring all EU-flagged large-scale fishing vessels to have a Vessel Monitoring System (VMS) installed, or be prohibited from engaging in fishing¹⁰.

- *Implementing minimum requirements: Operate fishing vessels with a VHF-responder for automatic identification and vessel monitoring by the authorities.*

11. The Cape Town Agreement on Fishing Vessel Safety/Torremolinos International Convention for the Safety of Fishing Vessels

The Torremolinos Protocol was adopted in 1993 to update, amend and absorb the original 1977 Torremolinos Convention of the International Maritime Organization, which addressed the design, construction, equipment and port State maintenance and inspection standards for fishing vessels. It has been replaced by the Cape Town Agreement, which if it enters into force, will require vessels to comply with inspections in port States. Authorised inspectors can pursue legal recourse when violations are observed, adding oversight which may potentially deter the exploitation of fishers¹¹.

- *Implementing minimum requirements: Verify vessel conditions meet the requirements by checking port inspection reports, including adequate provision of equipment for crew safety.*

12. The Code of Conduct for Responsible Fisheries by FAO - CCRF

The Code of Conduct for Responsible Fisheries is the reference framework for national and international efforts, including in the formulation of policies and other legal and institutional frameworks and instruments, to ensure sustainable production of aquatic living resources in harmony with the environment. It sets out principles and international standards of behaviour for responsible practices with a view to ensuring the effective conservation, management and development of living aquatic resources, with due respect for the ecosystem and biodiversity. The Code recognizes the nutritional, economic, social, environmental and cultural importance of fisheries and the interests of all stakeholders of the fishing and aquaculture industries.

- *Implementing minimum requirements: (1) Maintain records of fishers, (2) provide training to fishers to raise their professional qualifications, (3) comply with international standards for vessel safety, (4) carry insurance to protect crew members, (5) provide repatriation at no cost to crew*

⁹ Surtees 2013

¹⁰ Surtees 2013

¹¹ Surtees 2013

members, (6) and cooperate with port and flag State inspectors to remedy non-conforming conditions for crew on fishing vessels.

13. The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication by FAO - VGSSF Guidelines

The Guidelines are intended to support the visibility, recognition and enhancement of the important role of Small-Scale Fisheries (SSF). It also supports responsible fisheries and sustainable social and economic development for the benefit of current and future generations, with an emphasis on small-scale fishers and fish workers and related activities and including vulnerable and marginalized people, promoting a human rights-based approach.

The guidelines provide principles for social development, employment and decent work for fishers and fish workers in the fisheries and aquaculture value chains and including post-harvest trade. All non-state actors including business enterprises have a responsibility to comply with international human rights standards for gender equality and to respect the rights of small-scale fish producers. It includes recognizing the forms of organization, knowledge and practices of women, indigenous peoples and ethnic minorities.

- *Implementing minimum requirements: (1) Participate in the whole decision-making process related to fishery resources and, in areas where small-scale fisheries operate, (2) contribute opportunities and training to women fishers and farmers, and (3) ensure the active, free, effective, meaningful and informed participation of small-scale fishing communities.*

14. UN Global Compact Guide to Corporate Sustainability

Corporate sustainability starts with a company's value system and a principles-based approach to doing business. This means operating in ways that, at a minimum, meet fundamental responsibilities in the areas of human rights, labour, environment and anti-corruption. Responsible businesses enact the same values and principles wherever they have a presence, and know that decent work practices in one area do not offset harm in another.

The Ten Principles of the United Nations Global Compact are derived from: the Universal Declaration of Human Rights, the International Labour Organization's Declaration on Fundamental Principles and Rights at Work, the Rio Declaration on Environment and Development, and the United Nations Convention Against Corruption.

The guide provides 5 areas for corporate sustainability and responsible businesses on human and labour rights.

- *Implementing minimum requirements: (1) Align with international principles for human rights, labour, environment and anti-corruption, (2) Take action and collaborate with others to advance global challenges, (3) Involve company leadership, (4) Report transparently, and (5) Take action locally in the area of its operations.*

15. Guidance for Responsible Agricultural Supply Chains by OECD/FAO

Business enterprises should implement due diligence in their supply chains and follow a five-step framework.

The Guidance helps business enterprises observe standards of responsible business conduct to ensure that their operations do not lead to adverse impacts and contribute to sustainable development. The OECD-FAO Guidance targets domestic and international, small, medium and large enterprises across the entire agricultural supply chain, from the farm to the consumer.

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- *Implementing minimum requirements: (1) Establish strong enterprise management systems, (2) identify, assess and prioritise risks in the supply chain, (3) design and implement a strategy to respond to identified risks, (4) verify supply chain due diligence, and (5) report on supply chain due diligence.*

16. Guidance for Responsible Business Conduct by OECD

The OECD Due Diligence Guidance for Responsible Business Conduct provides practical support to enterprises on the implementation of the OECD Guidelines for Multinational Enterprises by providing plain language explanations of its due diligence recommendations and associated provisions.

Implementing these recommendations can help enterprises avoid and address adverse impacts related to workers, human rights, the environment, bribery, consumers and corporate governance that may be associated with their operations, supply chains and other business relationships. The Guidance includes additional explanations, tips and illustrative examples of due diligence.

This Guidance also seeks to promote a common understanding among governments and stakeholders on due diligence for responsible business conduct. The UN Guiding Principles on Business and Human Rights as well as the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy also contain due diligence recommendations, and this Guidance can help enterprises implement them.

- *Implementing minimum requirements: (1) Establish strong enterprise management systems, (2) identify, assess and prioritise risks in the supply chain, (3) design and implement a strategy to respond to identified risks, (4) verify supply chain due diligence, and (5) report on supply chain due diligence.*