



THE EIGHTH ASEAN LABOUR INSPECTION CONFERENCE

18 - 19 DECEMBER 2019, BANGKOK, THAILAND

“Securing Decent Work in the Fisheries Sector through Labour Inspection in ASEAN”

CONCLUSIONS AND RECOMMENDATIONS

The Eighth ASEAN Labour Inspection Conference with the theme “Securing Decent Work in the Fisheries Sector through Labour Inspection in ASEAN” was held from 18-19 December 2019 in Bangkok, Thailand. The Conference was attended by representatives of governments from ASEAN Member States, the ASEAN-OSHNET Chair, ASEAN Trade Union Council (ATUC), ASEAN Services Employees Trade Union Council (ASETUC), ASEAN Confederation of Employers (ACE), ASEAN Secretariat, International Labour Organization (ILO), and the International Association of Labour Inspection (IALI). The list of participants appears in **ANNEX A**.

The Conference acknowledged the importance of the commercial fishing industry to the economies of many ASEAN Member States as well as to the thousands of national and migrant workers in Southeast Asia who rely on the industry for their livelihood. It further noted that the sustainability of the fishing industry in ASEAN depended not only on its economic and environmental dimensions, but also on whether the industry could ensure decent working conditions.

Delegates recognized that fishing could be a hazardous occupation and that all fishers are vulnerable to decent work deficits including unacceptable working and living conditions on board fishing vessels, long working hours, low income, isolation at sea and abusive recruitment practices, combined with generally inadequate labour inspection.

The Conference noted recent positive inspection initiatives in AMS towards improving working and living conditions in fisheries sector. While noting this positive development, the Conference acknowledged a number of remaining challenges on the legal framework, mandate of labour inspectors, institutional capacities, enforcement procedures and coordination.

The Conference noted that the ILO Centenary Declaration for the Future of Work adopted by the 108th International Labour Conference in June 2019 called on Member States to strengthen the institutions of work, including labour inspection systems, as a significant contribution to the shared 2030 Sustainable Development Goals. Investing in inspection operations in the fisheries sector was seen as a particular need within ASEAN to better enforce labour standards for fishers and ensure the viability of an industry that relied significantly on access to international markets. In so doing, ASEAN inspectorates were seen as key institutions to ensure that international labour standards, in particular fundamental principles and rights at work, were respected, promoted and realized in the sector. In this respect, the Conference recognized

the importance of the ILO Work in Fishing Convention, 2007 (C188), ratified recently by Thailand, as a reference for national law and practice on inspection in the fisheries sector.

The Conference underlined that while guaranteeing decent work in the fisheries sector in ASEAN required collective efforts from governments, employers, workers and other stakeholders, labour inspectorates had a key role. To this end, the Conference recommended the following priority actions to enhance compliance with labour laws and strengthen the inspection function in line with international standards in the fisheries sector. The Conference called on ASEAN Member States to:

1. Consider ratifying the C188 and Labour Inspection Convention, 1947 (C 81), and other instruments relevant to the fisheries sector in consultation with representative national employer and worker organizations and, to the extent possible, strengthen national legal frameworks and labour laws in line with the provisions of these instruments, particularly related to inspection and enforcement;
2. Make efforts to ensure that the legal scope of inspection of working and living conditions in fisheries sector covers fishers, owners/employers and fishing vessels, and that there are clear standards and practices for labour inspectors to effectively enforce the relevant laws in cooperation with authorities exercising flag state, port state and coastal jurisdiction;
3. Strengthen the institutional capacities and systems of labour inspection through mobilization of the necessary resources, personnel and expertise to improve monitoring of working conditions and enforcement of labour laws in the fisheries sector;
4. Ensure proper policy and operational coordination with other authorities regulating the fisheries sector, such as fisheries agencies, maritime safety administrations, port authorities, maritime police, etc. This could include developing integrated inspection strategies in an effort to address the root causes of labour law violations as well as undertaking joint operations;
5. Collaborate with workers' and employers' representatives in fisheries sector to: i) improve decent work in fisheries sector including through policy development, legal reform, strategic planning, capacity development and monitoring of working conditions; ii) strengthen tripartite and bipartite social dialogue on labour matters at regional and national levels; iii) encourage private compliance initiatives; and iv) promote harmonious industrial relations in the industry;
6. Support elimination of unacceptable forms of work in the fisheries sector, particularly cases of child labour, forced labour and human trafficking, towards the shared goals of Alliance 8.7;
7. Take appropriate measures to identify and address abuses faced by migrant workers in the fisheries sector, drawing in particular on the ILO's general principles and operational guidelines for fair recruitment. Those measures can include improved coordination between labour inspectorates in sending and receiving countries, effective enforcement of the relevant laws upon all actors in the recruitment process, and stronger engagement with migrant fisher communities, and a clear and effective policy for the case of remedial and repatriation.;

8. Increase regional coordination and collaboration among labour inspector and other stakeholders among ASEAN Member States who have a role in improving working conditions in fisheries sector, including through engagement in the SEA Forum for Fishers, in exercising port state control over fishing vessels flying foreign flags, reporting, receiving complaints and taking related measures for non-compliance of laws;
9. Seek assistance, as necessary, from the ILO, IALI, EU and other international partners to support national capacity development of labour inspection in fisheries sector including comparative analyses of national laws and practices pertaining to fisheries sector; documentation of good labour inspection practices to eliminate unacceptable forms of work in the fisheries sector, and the training of inspection managers and inspectors on C188.
10. Create a common platform/forum for providing and exchanging documents or instruments among ASEAN Member States and other countries in order to facilitate the improvement of labour inspection systems or the ratification of C188.

The participants agreed to recommend for the Senior Labour Officials Meeting (SLOM) to consider elevating the ASEAN Labour Inspection Conference as a subsidiary body of SLOM as a platform of cooperation among labour inspectors in areas of mutual interest.

The participants extended their appreciation to the Government of Thailand, particularly Ministry of Labour, for the excellent arrangements of the Conference and warm hospitality accorded by them. The participants also extended their appreciation to the ASEAN Secretariat, ILO and IALI for the support to the Conference, and representatives of Portugal and social partners for sharing of their best practices.
