

ASEAN Guidelines on Strengthening Labour Inspection in the Fishing Sector

Contents

Abbreviations	3
I. Introduction	4
II. Objectives of the Guidelines	7
III. Intended Users and Stakeholders.....	7
IV. Sources and References of the Guidelines.....	8
V. General Guiding Principles	10
A. Rights based and in line with ASEAN and international standards.....	10
B. Non-discrimination and equitable treatment.....	10
C. Gender sensitive and gender responsive.....	11
D. Inclusion and targeted support for fishers in crisis	11
E. Transparency, integrity and accountability	12
F. Participation, representation, voice and agency of fishers	12
G. Whole-of-government and whole-of-society approach	12
H. Principle of shared responsibility	12
I. Evidence-based policies and programmes	13
J. Partnership and collaboration	13
VI. ASEAN Guidelines on Strengthening Labour Inspection in the Fishing Sector	13
A. Competent authorities and responsibilities	14
1. Identify competent authorities and core competencies.....	14
2. Coordination between national competent authorities.....	14
3. Responsibilities and policies of labour inspections on commercial fishing vessels.....	15
4. Capacity and training of authorities and stakeholders	19
5. Resources	20
B. Strategic planning and monitoring of inspections.....	20
1. Planning, risk assessment and targeting mechanisms.....	20
2. Complaints and reporting mechanisms.....	22
3. Inspection tools.....	22
4. Safety of inspectors	23
C. Undertaking inspections	23
1. Elements of inspections.....	23
2. Actions to be taken following the inspection.....	23
3. Recording inspections and data collection	24
D. Promoting compliance through stakeholder engagement	24
E. Port-state control	25

F.	Supervising compliance and enforcement	28
1.	Follow up investigation	28
2.	Penalties and corrective measures	28
3.	Referral.....	28
4.	Enforcement	29
G.	National and regional cooperation and partnerships	29
VII.	Resource mobilization for implementation of the Guidelines	30
VIII.	Utilization of these Guidelines	30
IX.	Monitoring and evaluation of the Guidelines	31
X.	Annexes (Indicative).....	32
	Annex A. Glossary of key terms with definitions.....	32
	Annex B: Proposed Model Fishers' Work Agreement.....	35
	Annex C: Medical Supplies Checklist	36
	Annex D: Indicators of Forced Labour	37
	Annex E: Indicators of high-risk vessels	38
	Annex F: Guidance for interviews and sample Fisher interview questions	39
	Annex G: Sources of information for inspectors	43
	Annex H: Proposed Model Inspection Checklist in Fishing Sector	44

Abbreviations

ACMW	ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
ACTIP	ASEAN Convention against Trafficking in Persons Especially Women and Children
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AFML	ASEAN Forum on Migrant Labour
AICHR	ASEAN Intergovernmental Commission on Human Rights
ALIC	ASEAN Labour Inspection Conference
ALICOM	ASEAN Labour Inspection Committee
AMS	ASEAN Member States
ASEAN	Association of Southeast Asian Nations
ASEAN Consensus	ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, 2017
SEAFDEC	Southeast Asian Fisheries Development Center
Cebu Declaration	ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
GCM	Global Compact on Safe, Orderly and Regular Migration
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ILO	International Labour Organization
OSH	Occupational Safety and Health
RFMO	Regional Fisheries Management Organization
SDGs	Sustainable Development Goals
SLOM	Senior Labour Officials Meeting
UN	United Nations

I. Introduction

- 1) The fishing sector plays a crucial role in the development of the ASEAN region. With its increasing contribution to the world's fishing industry, totalling approximately 21.9 per cent of the global fisheries product captured. In 2022, the industry was valued at more than US \$79 billion,¹ which translates as a significant contribution to development in ASEAN. The sector's relevance and contribution to the ASEAN economy continues, however, to be challenged by enduring problems of labour exploitation, forced labour, child labour, and trafficking in persons. Where incidents of labour abuses and exploitation can largely be associated with the illegal fishing activities in the region,² the persistence of labour exploitation and decent work deficits underscores systemic challenges in current labour inspection systems and methodologies.
- 2) Challenges related to decent living and working conditions are inherent to the nature of the fishing industry. In particular, because key characteristics of work on vessels include isolation and restriction of movement, both of which can be indicators of forced labour.³ Where depleted fish stocks have pushed fishing vessels towards greater competition and long-distance fishing, employers have increasingly sought cheaper labour, and the conditions and safety of the workers have decreased.⁴ Workers in the fishing industry may experience low wages, long hours of work, poor working time arrangements, poor occupational safety and health (OSH) standards, and poor general working and living conditions on board vessels as well as lack of freedom of association and collective bargaining.⁵ For migrant workers in particular, debt bondage and retention of identity documents are also features of work in fishing; again both can be indicators of forced labour.
- 3) Against this backdrop, the ASEAN Labour Inspection Committee (ALICOM) made a commitment in its Work Plan 2022-2030 to strengthening labour inspection in hard-to-reach sectors – including fishing – and referral systems to prevent forced labour and child labour as Thematic Area 3. This contributes directly to the ASEAN Labour Ministers' Work Programme (ALM WP) Key Result Area 3: Harmonious, Safe and Progressive Workplace. Strengthening labour inspection systems in the fishing sector towards decent work is also in the Senior Labour Officials Meeting's Working Group on Progressive Labour Practices to Enhance the Competitiveness of ASEAN (SLOM-WG) Work Plan for 2021-2025. Effective and efficient labour inspection systems contribute to the purposes of ASEAN as stipulated in Article 1 (11) of the ASEAN Charter by providing the people with, "equitable access to opportunities for human development, social welfare and justice". In turn this contributes to the ASEAN Community Vision 2045 paragraph 31 and "the creation of decent work and high-quality jobs", which is elaborated further in the ASEAN Socio-Cultural Community Strategic Plan at strategic measure 3.1.1, which provides that ASEAN will "enhance the responsiveness and cohesiveness of relevant policies and institutional frameworks towards better employment opportunities, employability, higher income, job security, quality of jobs and enterprise competitiveness". Yet, significant challenges face labour

¹ Southeast Asian Fisheries Development Center (SEAFDEC). (2025). Fisheries Statistics Summary 2022. Available from: <https://www.seafdec.org/stat2022/>

² SEAFDEC. (2016). Regional Cooperation on Labour Aspects within the Fishing Industry in the ASEAN Region. 48th Meeting of the Council. WP05.2b.

³ ILO. (2012). ILO Indicators of Forced Labour

⁴ ILO. (2024). Forced labour in commercial fishing.

⁵ ILO. (2020). ILO training package on inspection of labour conditions on board fishing vessels

inspection systems as a method of preventing and identifying labour exploitation and forced labour in the fishing industry. Inspectors may not be able to board vessels to observe working conditions; there may be few inspection opportunities (due to isolation at sea); and inspectors might not always be familiar with the specific living and working conditions on commercial fishing vessels. It is also often the case that working and living conditions may come under the jurisdiction of several different government ministries and agencies, as well as different states (whether flag or port states). This creates a challenge that requires coordination and collaboration to understand who is liable for monitoring and enforcement of labour conditions.⁶ Where jurisdiction and access can be navigated, states may only be able to inspect a small percentage of the fishing fleet due to limited resources and the remote location of fishing communities.⁷

- 4) In line with the above recognition, ASEAN's commitment to strengthening labour inspection in the fishing sector has been repeatedly affirmed. This includes the 27th ASEAN Labour Ministers Meeting (ALMM), which was hosted by the Philippines in October 2022, and recognized that intensified efforts are required to address decent work deficits in the fishing sector.
- 5) In 2019, the 8th ASEAN Labour Inspection Conference (ALIC) also adopted Conclusions and Recommendations on “Securing Decent Work in the Fisheries Sector through Labour Inspection in ASEAN” which recognized that fishing could be a hazardous occupation and that fishers are vulnerable to decent work deficits including unacceptable working and living conditions on board commercial fishing vessels, long working hours, low income, isolation at sea and abusive recruitment practices, combined with generally inadequate labour inspection. Specifically, the 8th ALIC recognized the need to “take appropriate measures to identify and address abuses faced by migrant workers in the fisheries sector, ‘drawing 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, stronger engagement with migrant fisher communities, and a clear and effective policy for the case of remedial and repatriation” (article 7).
- 6) In 2016, the Joint ASEAN-SEAFDEC Declaration on Regional Cooperation for Combatting Illegal, Unreported and Unregulated Fishing and Enhancing the Competitive ASEAN Fish and Fishery Products declared the intention of ASEAN-SEAFDEC member countries to address ‘issues on labour (safe, legal and equitable practices)” (article 9).
- 7) The ASEAN Declaration on the Placement and Protection of Migrant Fishers was adopted in 2023, at the 42nd ASEAN Summit. The Declaration identifies the need for states to “...take appropriate and gender responsive measures to identify, address and punish all forms of violence, abuses and exploitation against migrant fishers, including *strengthening the institutional capacities and systems of labour inspections....and to improve inter-agency coordination and labour inspection* to effectively protect migrant fishers”.

⁶ ILO. (2020). ILO training package on inspection of labour conditions on board fishing vessels

⁷ ILO. (2003) Conditions of work in the fishing sector: A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector. ILO ILC 92nd session 2004, Report V (i) plus associated papers, 2003

- 8) In 2024, following the adoption of the Declaration, the ASEAN Guidelines on the Placement and Protection of Migrant Fishers were developed which provided:
- 45. ASEAN Member States (AMS) are encouraged to *establish or enhance effective systems...for the inspection of living, working conditions and OSH* on board fishing vessels...
 - 46. The *function of labour inspection will be to ensure the enforcement of legal provisions relating to conditions of work in fishing and the protection of migrant fishers*, such as on occupational safety and health; the prevention and elimination of violence and harassment in the workplace, including sexual harassment; wages; working hours and overtime, holidays and rest periods including sick and leave; fundamental principles and rights at work; the employment relationship; social security registration and contributions; and protection of women, children and young persons.
- 9) The Declaration and Guidelines both acknowledge issues identified in the 7th (2014) and 8th (2015) ASEAN Forum on Migrant Labour (AFML), in which relevant stakeholders discussed and adopted the set of recommendations, including:
- Recommendations of the 7th AFML, 2014: Governments should take and enhance measures and allocate resources to protect and promote the rights of migrant workers including for *regularly conducting labour inspections in vulnerable and hard-to-reach sectors and workplaces, such as the fishing sector*, training for labour inspectors; and establishing multi-sectoral joint task forces for labour inspection.
 - Recommendations of the 8th AFML, 2015: *Strengthen labour inspection for decent employment and working conditions and OSH* through, among others, adequate resources for periodic inspections to vulnerable and hard-to-reach sectors and workplaces, such as the fishing sector; and cooperation with employers' organisations, trade unions, civil society organisations and other relevant entities in hard-to-reach sectors.
- 10) To address the need for, and commitment to strengthening labour inspection in the fishing sector, the Government of the Philippines' Department of Labour and Employment (DOLE), with the support of the ILO EU-funded Ship to Shore Rights South East Asia programme and development partners in close consultation with the ASEAN Secretariat and the support of AMS, develop here the ASEAN Guidelines on Strengthening Labour Inspection in the Fishing Sector.

The ASEAN Guidelines on Strengthening Labour Inspection in the Fishing Sector are developed to respond to specific policy gaps related to inspection in the industry, in particular the lack of inspection coverage in remote maritime environments, the limited coordination between labour and fisheries authorities, and the weak enforcement of existing labour standards on vessels.

The ASEAN Guidelines on Strengthening Labour Inspection in the Fishing Sector specifically focus on Flag State port-side labour inspection responsibilities of commercial fishing vessels, with some additional guidance for Port State Control (PSC) mechanisms relevant to labour conditions on foreign- flagged vessels in AMS ports.

II. Objectives of the Guidelines

11) The following are the objectives of the Guidelines:

- To elaborate a set of implementation principles and operational frameworks as a reference for increasing the effectiveness of labour inspection in the prevention, reduction and elimination of forced labour, labour exploitation and child labour; as well as in raising OSH standards and compliance with international labour standards on commercial fishing vessels in ASEAN.
- To serve as a guide to AMS and concerned stakeholders on standardized labour inspection procedures for flag State inspections in territorial waters and in ports; and port State inspections of vessels from other flagged states, including standards for living and working conditions (including OSH) on board commercial fishing vessels, strategic compliance planning, reporting mechanisms, and coordination with other relevant authorities.
- To strengthen partnerships and cooperation among and within AMS and other key stakeholders to increase the effectiveness of labour inspection in the prevention, reduction and elimination of forced labour, labour exploitation and child labour and raising of OSH standards.
- To continuously and proactively encourage governments, employers, recruitment agencies, employers' organisations, workers' organisations, civil society, private and multi-national entities, especially those involved in the supply-chain of the fishing industry, and other stakeholders to incorporate these guidelines in their efforts to increase the effectiveness of labour inspection in the prevention, reduction and elimination of forced labour, labour exploitation and child labour and raising of OSH standards.

III. Intended Users and Stakeholders

12) The Guidelines are aimed to be applicable by the major stakeholders involved in labour inspection on board commercial fishing vessels in ASEAN, notably:

- fishers;
- governments of AMS at central and local levels;
- inspectorates and competent authorities – including labour, maritime, fisheries and other relevant authorities – at AMS central and local levels;
- relevant actors in flag States, port States and coastal States outside of the AMS that receive commercial fishing vessels and fishers from flag AMS;
- relevant ASEAN bodies across the three ASEAN Community pillars which are mandated to promote and support the implementation of regional standards related to workers, occupational safety and health, social welfare and development, the management of fisheries, immigration and human rights;⁸

⁸ ASEAN Labour Inspection Committee (ALICOM), Senior Labour Officials Meeting (SLOM), Senior Officials Meeting on Social Welfare and Development (SOMSOD), Senior Officials Meeting on Health Development (SOMHD), ASEAN Sectoral Working Group on Fisheries (ASWGF), ASEAN Maritime Transport Working Group (MTWG), ASEAN Senior Law Officials Meeting (ASLOM), ASEAN Committee on Disaster Management (ACDM), ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM), ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant

- ASEAN Dialogue Partners;
- employers and employers' organisations;
- workers and workers' organisations;
- private recruitment and employment agencies;
- development partners.

IV. Sources and References of the Guidelines

The following instruments and sources (along with their relevant action plans) are considered particularly useful for drawing upon and elaborating the Guidelines and in their subsequent application by AMS and stakeholders:

13) ASEAN instruments:

- ASEAN Charter;
- ASEAN Community Vision 2045;
- ASEAN Human Rights Declaration;
- ASCC Strategic Plan;
- ASEAN Convention Against Trafficking in Persons Especially Women and Children
- ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, 2017 (ASEAN Consensus);
- ASEAN Declaration on the Placement and Protection of Migrant Fishers;
- Joint ASEAN-SEAFDEC Declaration on Regional Cooperation for Combatting Illegal, Unreported and Unregulated Fishing and Enhancing the Competitive ASEAN Fish and Fishery Products;
- Vientiane Declaration on Transition from Informal Employment to Formal Employment towards Decent Work Promotion in ASEAN;
- ASEAN Leaders' Declaration on Combating Trafficking in Persons Caused by the Abuse of Technology: Addresses the growing use of technology in trafficking;
- ASEAN Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN;
- ASEAN Declaration on Strengthening Social Protection;
- ASEAN Declaration of Portability of Social Security Benefits for Migrant Workers in ASEAN;
- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007 (Cebu Declaration);
- ASEAN Declaration on Protection of Migrant Workers and Family Members in Crisis Situations;
- ASEAN Declaration on the Rights of Children in the Context of Migration;
- Guidelines on Occupational Safety and Health (OSH) Risk Management for Small and Medium Enterprises in AMS;
- ASEAN-OSHNET's Guide for the Development of a Common Risk Management Framework;
- ASEAN Guidelines on the Placement and Protection of Migrant Fishers;
- ASEAN Guideline on Gender Mainstreaming into Labour and Employment Policies Towards Decent Work for All;
- ASEAN Gender Mainstreaming Strategic Framework 2021 – 2025;

Workers (ACMW), ASEAN Inter-Governmental Commission on Human Rights (AICHR) and ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC).

- ASEAN Guidelines on Effective Return and Reintegration of Migrant Workers;
- ASEAN Guidelines for Corporate Social Responsibility for Labour;
- Checklist for ASEAN Member State Governments, Labour Recruiter and Employers on Fair Recruitment and Decent Employment Practices;
- Recommendations of the ASEAN Labour Inspection Conference (ALIC);
- Work Plan 2022-2030 of ASEAN Labour Inspection Committee (ALICOM);
- The ASEAN Declaration on the Prevention of Child Labour, Including the Elimination of Worst Forms of Child Labour
- ASEAN Roadmap on Prevention of Child Labour Including the Worst Forms of Child Labour by 2035; and
- Recommendations of the ASEAN Forum on Migrant Labour (AFML).

14) UN and relevant international instruments⁹

- Universal Declaration of Human Rights;
- Convention on the Elimination of All forms of Discrimination Against Women;
- Convention on the Rights of the Child;
- Convention against Transnational Organized Crime and the Palermo Protocol, 2000
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- Forced Labour Convention, 1930 (C-ILO No. 29) (and its 2014 Protocol);
- Abolition of Forced Labour Convention, 1957 (C-ILO No. 105);
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (C-ILO No. 87);
- Right to Organise and Collective Bargaining Convention, 1949 (C-ILO No. 98);
- Minimum Age Convention, 1973 (C-ILO No. 138);
- Worst Forms of Child Labour Convention, 1999 (C-ILO No. 182);
- Equal Remuneration Convention, 1951 (C-ILO No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (C-ILO No. 111);
- Occupational Safety and Health Convention, 1981 (C-ILO No. 155);
- Promotional Framework for Occupational Safety and Health Convention, 2006 (C-ILO No. 187);
- Work in fishing Convention, 2007 (C-ILO No. 188);
- Labour Inspection Convention, 1947 (C-ILO No. 81);
- Maritime Labour Convention, 2006 (MLC);
- Social Security (Minimum Standards) Convention, 1952 (C-ILO No. 102);
- Violence and Harassment Convention, 2019 (C-ILO No. 190);
- Private Employment Agencies Convention, 1997 (C-ILO No. 181);
- Migration for Employment Convention (Revised), 1949 (C-ILO No. 97);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (C-ILO No. 143);
- UN Convention on the Law of the Sea, 1982;
- International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F);
- Cape Town Agreement, 2012; and
- Port State Measures Agreement (PSMA).

⁹ Note: these international instruments are referenced here as a source of information that may support AMS in implementing the Guidelines; their inclusion does not imply ascension or ratification on behalf of any AMS.

15) UN and other relevant international frameworks and guidance:

- ILO Guidelines for fair labour market services for migrant fishers;
- ILO Declaration on Fundamental Principles and Rights at Work;
- ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs;
- ILO Multilateral Framework on Labour Migration;
- UN 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs);
- 2018 Global Compact on Safe, Orderly and Regular Migration (GCM); and
- 2011 UN Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework.

V. General Guiding Principles

16) The general principles are drawn from various sources – such as ASEAN frameworks, international and global instruments, ILO standards and frameworks, and the Sustainable Development Goals – identified in Section IV. The general guiding principles below serve as the common framework and foundation for the Guidelines and contributory strategies spelled out below. Respect for observance of general principles ensures the consistency and policy coherence of various measures highlighted under the Guidelines. The Guidelines represent effective operational measures and interventions that can be developed within the overarching framework of international and regional standards. The principles should guide the implementation of these Guidelines, for example in the designing of inspection policies, inspector training, enforcement decisions, and stakeholder engagement mechanisms.

A. Rights based and in line with ASEAN and international standards

17) All policies, mechanisms and processes developed by AMS for the purposes of strengthening labour inspection in fishing, shall respect the human and labour rights of fishers in line with ASEAN instruments and taking reference from relevant international standards and ASEAN instruments. Nothing in the implementation of these Guidelines should result in the weakening of protection of fishers below these standard rights. The universality of human rights is expressed in the ASEAN Human Rights Declaration, which states in General Principle 4 that, “The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalized groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms”, and in General Principle 7 that, “All human rights are universal, indivisible, interdependent and interrelated.”

B. Non-discrimination and equitable treatment

18) The principle of non-discrimination shall be applied in all aspects of labour inspection in the fishing sector. This means that labour inspection will be conducted in line with the Universal Declaration of Human Rights and the ASEAN Human Rights Declaration which provides that, “all are equal before the law and are entitled without discrimination to equal protection of the law.” This is further affirmed in the 2030 agenda for SDGs target 8.5: Full Employment and Decent Work with Equal Pay and SDGs target 8.8: Protect Labour Rights and Promote Safe Working Environments. The ILO

Discrimination (Employment and Occupation) Convention 1958 defines discrimination as any “distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” The ILO Declaration on Fundamental Principles and Rights at Work includes the elimination of discrimination in respect of employment and occupation as a fundamental right.

C. Gender sensitive and gender responsive

- 19) Gender sensitive means recognising and acknowledging the differences in roles, needs and perspectives of women and men, possible asymmetries in their relationship, and the possibility that actions or interventions will have different results for women and for men, based on their gender and identity, but not actively seeking to address these issues. Gender responsive means more than gender sensitive, going beyond diagnosis and awareness of gender disparities to articulate policies, actions, and initiatives to address and redress gender-based inequalities identified through use of gender analysis of sex-disaggregated data and gender-related information.¹⁰ Article 1(e) of the ASEAN Consensus provides that AMS will uphold fair treatment with respect to gender and nationality, and protect and promote the rights of migrant workers, particularly women.
- 20) Gender can inform the recruitment, employment conditions, and the repatriation of fishers, the violence they face, and the outcomes of their employment. ASEAN policy makers and other stakeholders should ensure that all interventions related to labour inspection in the fishing sectors are gender sensitive and gender responsive. AMS shall take a gender sensitive and gender responsive approach to the development of all policies, mechanisms and processes on strengthening labour inspection in fishing. Examples of gender-responsive interventions being screening for gender-based violence; safe interviewing protocols for women fishers; maternity protection where applicable; gender-disaggregated inspection data; and referral to specialised services.

D. Inclusion and targeted support for fishers in crisis

- 21) All policies and programmes on labour inspection in the fishing sector should address the provision of targeted support for fishers in crisis. This includes fishers who are in informal employment or in the informal economy, who may have limited access to communication, reporting channels and referral pathways, and as a result can be highly at risk of abuse and exploitation due to the nature of the hard to reach, hazardous, and potentially dangerous environment. The Vientiane Declaration on Transition from Informal Employment to Formal Employment towards Decent Work Promotion in ASEAN articulates that AMS strives to take necessary concrete actions to provide support to workers in informal employment who are vulnerable to decent work deficits.

¹⁰ Definition based on the ASEAN Guidelines on Gender Mainstreaming into Labour and Employment Policies towards Decent Work for All (2021).

E. Transparency, integrity and accountability

- 22) Transparency, integrity and accountability are core values that all policies and programmes developed to strengthen labour inspection in the fishing sector should incorporate. As key attributes of good governance, principles of transparency, integrity and accountability should underpin all aspects of labour inspection in the fishing sector. The ASEAN Human Rights Declaration reaffirms adherence to the rule of law and good governance as well as the need for accountability in realizing human rights and freedoms. The ASEAN Community Vision 2045 commits at Para 4, to upholding, “the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms”. States are encouraged to cooperate in data collection and data sharing in order to increase the effectiveness of labour inspection in the fishing sectors; and fishers should have access to information included in inspections, and reports produced. Such cooperation in data collection and data sharing shall be subject to strict data confidentiality protocols and limitations, particularly regarding the protection of personal data, in accordance with applicable national laws and international standards. Integrity refers to the practice of adhering to and maintaining strong moral principles such as honesty and freedom from corruption. Good integrity systems built into programmes of support may prevent corruption and misuse of resources. These attributes also lead to accountability on the part of programme administrators. Accountability involves monitoring and reporting on the successes and challenges of labour inspection in the fishing sector.

F. Participation, representation, voice and agency of fishers

- 23) Systems to increase the effectiveness of labour inspection in the fishing sector should be informed by fishers and their associations through consultation and participation in social dialogue to integrate their needs. The voice and agency shall be prioritised in all such consultative mechanisms. Fishers may also organize and participate in collective bargaining, in accordance with the prevailing national laws, regulations and policies of ASEAN Member States.

G. Whole-of-government and whole-of-society approach

- 24) Whole-of-government and whole-of-society approaches are cross-cutting and interdependent guiding principles. In strengthening labour inspection in the fishing sector, AMS shall take a whole-of-government approach, which is expressed as the development and implementation of effective policies that ensure horizontal and vertical policy coherence across all sectors and levels of government. This is particularly relevant to laws and regulations related to labour inspection, which interact with several ministries and departments of government. AMS will also take a whole-of-society approach, being a multi-stakeholder approach, ensuring that partners representing all dimensions of the commercial fishing sector, consisting of governments, workers, employers, relevant stakeholders, supply chain actors and other key stakeholders, are consulted in the policy design, development, and implementation. In taking a whole-of-government and whole-of-society approach, AMS will recognise the importance of cooperation, coordination and referral mechanisms between labour inspection departments and other relevant ministries.

H. Principle of shared responsibility

- 25) For the purposes of inspection in circumstances featuring cross-border fishing, migrant fishers, and inspection of foreign-owned vessels – whether labour or catch-related – inspection is based on shared responsibility among flag, coastal and port States, with each exercising complementary jurisdiction under the United Nations Convention on the Law of the Sea (UNCLOS), UN, and ILO instruments. Flag States must ensure that vessels flying their flag comply with applicable national laws and international standards wherever they operate, coastal States regulate and enforce rules on fishing and related activities within their maritime zones, and port States exercise control over foreign commercial fishing vessels that enter their ports, including through inspections and measures addressing conservation, safety, pollution, and living and working conditions on board.
- 26) Flag and port States¹¹ largely share responsibility for inspecting commercial fishing vessels, but their roles are distinct and complementary and reinforce each other to promote compliance and address abuses and illegal fishing. The flag State has primary jurisdiction over vessels flying its flag and must ensure they comply with applicable laws and international standards on safety, labour and fisheries wherever they operate, through its own inspection and enforcement systems. The port State exercises jurisdiction when a foreign commercial fishing vessel voluntarily enters its ports, where it may inspect the vessel and take measures to verify and enforce compliance with international rules on conservation, pollution, safety and, under UN instruments such as the ILO Work in Fishing Convention (No. 188), living and working conditions on board.

I. Evidence-based policies and programmes

- 27) Law and regulation to increase the effectiveness of labour inspection in the fishing sector should be evidence-based. Evidence should include systematic data collection on compliance and non-conformities in the fishing sector in line with AMS labour inspection programmes and mechanisms. In all data collection exercises, it is essential to respect fishers' privacy, ensure the confidentiality of the data gathered, apply a "do no harm principle", and uphold the principle of transparency as set out in the relevant ASEAN and international labour standards.

J. Partnership and collaboration

- 28) The principle of partnership and collaboration speaks to the need to work together in increasing the effectiveness of labour inspection in the fishing sector. The nature of the fishing sector means that the issues cross the mandate of multiple stakeholders. Momentum, commitment and change will require multiple and varied partnership and collaboration across borders, across sectors, and across stakeholder groups.

VI. ASEAN Guidelines on Strengthening Labour Inspection in the Fishing Sector

- 29) The use of the Guidelines is voluntary and non-binding and implementation of the Guidelines may be subject to prevailing national laws, regulations and policies of AMS. However, AMS are encouraged to use the Guidelines widely in improving their national,

¹¹ See Annex A: Glossary of Terms, for definitions of Flag and Port States

bilateral and multilateral efforts to increase the effectiveness of inspections to prevent labour exploitation, forced labour, child labour, human trafficking and to improve OSH on commercial fishing vessels. In the utilisation of the Guidelines, AMS are encouraged to coordinate and collaborate with relevant stakeholders in their own country and other AMS.

A. Competent authorities and responsibilities

1. Identify competent authorities and core competencies

i. Designate competent authority or authorities

- 30) AMS may designate a competent authority or authorities to have power to issue and enforce regulations, orders or other instructions in respect of the prevention, reduction and elimination of forced labour, labour exploitation and child labour; as well as in raising OSH standards and compliance with international labour standards in the commercial fishing sector in ASEAN.

ii. Define mandate, functions and responsibilities

- 31) AMS may ensure that the competent authority or authorities are clearly mandated in law to enforce and implement national laws, regulations and policies, in accordance with national laws, relating to living and working conditions on commercial fishing vessels such as those relating to hours of rest, wages, safety and health, and the employment of children and young persons.
- 32) AMS may ensure, where more than one authority has responsibilities relating to safety, labour rights protection, criminal matters, or other issues, that the respective mandates of each authority for implementation, inspection, investigation, and enforcement in relation to living and working conditions on commercial fishing vessels, where applicable, are clearly defined and coordinated.
- 33) AMS may ensure that the competent authority or authorities are mandated, where applicable, to provide technical advice and guidance to the commercial fishing vessel owner, skipper, fishers, and other stakeholders on compliance with national laws and regulations related to living and working conditions on commercial fishing vessels such as those relating to hours of rest, wages, safety and health, and employment of children and young persons.
- 34) AMS may set the criteria by which the competent authority or authorities inspect and report, including setting requirements for the training, qualifications and competence of the inspection in hard-to-reach workplaces including at sea and in port and establish systems to monitor and ensure the quality of inspections carried out by them.
- 35) With respect to cases where fishers are criminally trafficked or used as forced labour, or where violence and harassment occur, or where IUU fishing is identified as a regulatory or administrative non-compliance issue, AMS may designate, in accordance with national laws, a competent authority to prosecute the case and set out referral mechanisms.

2. Coordination between national competent authorities

- 36) AMS may identify and map the competent authority or authorities and adopt a multidisciplinary approach by establishing a coordination mechanism among labour, maritime, fisheries, immigration, police and all other relevant authorities for the fishing sector at the national level and clear vertical coordination with authorities at the local levels, with a view to ensuring the effective implementation and enforcement of laws, regulations and measures to protect all fishers, including migrant fishers, working on board commercial fishing vessels flying its flag.
- 37) Mechanisms for sharing information and facilitating coordination between relevant agencies may be ensured through, among others, memoranda of understanding, standing committees and information bulletins.
- 38) Where there is more than one competent authority, AMS may determine whether it is appropriate – based on current practice, resources, and in accordance with national laws and context – to designate a primary inspection authority or whether the competent authorities will conduct joint inspections.
- 39) Where joint inspections occur, clear mechanisms for coordination may be established, including specifics on the different function and role of different authorities and mechanisms for clear communication. Mechanisms may include developing joint inspection protocols; institutionalising annual joint inspection plans; and designating clear lead agencies.
- 40) The competent authority or authorities may consider harmonizing the timing of labour inspections with vessel safety inspections to avoid duplication and make efficient use of resources.

3. Responsibilities and policies of labour inspections on commercial fishing vessels

i. Responsibilities and policies of labour inspections on commercial fishing vessels

- 41) Consistent with national administrative law frameworks, AMS may empower competent authorities in law:
- to have the power of entry to ports for the purposes of inspection;
 - to board commercial fishing vessels freely and without previous notice; however, when commencing the vessel inspection, competent authorities should identify themselves and provide notification of their presence to the skipper or person in charge and, where appropriate, to the fishers or their representatives;
 - to question the skipper, fisher or any other person, including the commercial fishing vessel owner or the commercial fishing vessel owner's representative, on any matter related to the application of the requirements under laws and regulations, in the presence of any witness that the person may request;
 - to require the production of any books, logbooks, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance with the national laws, regulations or other measures implementing the law and regulation;
 - to enforce the posting of notices required under the national laws, regulations or other measures; to take or remove, for the purpose of analysis, samples of products, drinking water, food, materials and substances used or handled;

- following an inspection, to bring immediately to the attention of the commercial fishing vessel owner or the skipper deficiencies which may affect the health and safety of those on board;
- to alert the competent authority and, if applicable, the recognized organization, to any deficiency or abuse not specifically covered by existing laws or regulations and submit proposals to them for the improvement of the laws or regulations; and
- to notify the competent authority of any occupational injuries or diseases affecting fishers in such cases and in such manner as may be prescribed by laws and regulations.

ii. Minimum protection of labour rights and OSH for fishers on commercial fishing vessels in line with international standards

- 42) AMS are encouraged to, in accordance with national laws, ensure **that vessel owners and skippers have a duty to comply with the law on labour rights protection and occupational safety and health standards on board their commercial fishing vessels**
- 43) Where relevant, AMS may adopt policies and progressively **transition employment in the fishing sector from informal to formal**.
- 44) AMS are encouraged to, in accordance with national law, clearly establish **the responsibilities of commercial fishing vessel owners, skippers and fishers for the working and living conditions** on board in particular:
- that the commercial fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with legal obligations in relation to labour rights and OSH protection.
 - that the skipper has the responsibility for the living and working conditions of the fishers on board and the safe operation of the vessel consistent with the labour rights and OSH law and regulation.
 - that fishers shall comply with the lawful orders of the skipper and applicable safety and health measures.
- 45) AMS are encouraged to ensure that a **fisher's work agreement (FWA) is in place for all workers regardless of employment status**, being a transparent and enforceable statement of the living and working conditions on board commercial fishing vessels that is consistent with labour rights and OSH law and regulation and signed by both the fisher and the commercial fishing vessel owner. The FWA may include at a minimum the particulars contained in **Annex B**. The FWA should be comprehensible to the fisher, and the fisher will have the opportunity to review and seek guidance on the FWA, and carry a copy on board.
- 46) AMS are encouraged to, in accordance with national laws, **establish a minimum age** for work on board a commercial fishing vessel, specifying at a minimum that:
- the minimum age for work on board a commercial fishing vessel shall be 16 years, in accordance with the national laws and regulations.
 - the minimum may be 15 years where persons who are no longer subject to compulsory schooling as provided by national legislation, and who are engaged in vocational training in fishing.
 - the minimum age be 18 where work on the commercial fishing vessel is likely to jeopardize the health, safety or morals of young persons, or where work is carried out at night.

- 47) AMS are encouraged to, in accordance with national laws, establish the **requirements for a medical certificate** attesting to fitness of a fisher to perform duties, issued by a duly qualified medical practitioner, valid for two years which confirms that:
- the hearing and sight of the fisher concerned are satisfactory for the fisher's duties on the vessel; and
 - the fisher is not suffering from any medical condition likely to be aggravated by service at sea or to render the fisher unfit for such service or to endanger the safety or health of other persons on board.
- 48) AMS are encouraged to, in accordance with national laws, establish **requirements for sufficient and safe manning** of a vessel, which specifies the number and qualifications of the fishers required.
- 49) AMS are encouraged to, in accordance with national laws, establish the **requirement that fishers are given regular periods of rest** of sufficient length to ensure safety and health, including minimum hours of rest not less than ten hours in any 24-hour period; and 77 hours in any seven-day period. Any national provisions allowing exceptions to these limits should clarify that compensatory rest is provided where the minimum limits cannot be met and that the safety and health of the fishers must be paramount at all times.
- 50) AMS are encouraged to, in accordance with national laws, establish the **requirements for regular and consistent wage payments** to fishers, including the timing and method of payment, and conditions for any authorised deductions; that wages are paid in legal tender, preferably through accessible banking or electronic transfer mechanisms; that payslips or equivalent documentation provide a full and transparent account of payments; and that fishers have access to mechanisms to transfer their earnings, as far as is practicable, at minimal or no cost.
- 51) AMS are encouraged to, in accordance with national laws, establish the **requirement for every vessel to carry a crew list** that is up to date and available prior to departure or immediately after departure.
- 52) AMS are encouraged to, in accordance with national laws establish obligations regarding the **repatriation of fishers**, such as fishers' entitlement to repatriation in the event that the FWA expires, is terminated or where the fisher is no longer able to carry out the duties required under the FWA; that the cost of the repatriation maybe borne by the commercial fishing vessel owner, except where the fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of his or her work agreement obligations; and that where the commercial fishing vessel fails to repatriate the fisher, that the AMS whose flag the vessel flies may arrange for the repatriation.
- 53) AMS are encouraged to, in accordance with national laws, establish provisions on the **recruitment and placement of fishers**. This could include ensuring that private recruitment services are subject to licensing or regulatory oversight, with appropriate conditions around when licenses can be suspended or withdrawn in the case of violations of law and regulation. Measures may also be introduced to prohibit the charging of fees to fishers or other costs related to their recruitment or placement.

- 54) AMS are encouraged to, in accordance with national laws, establish **minimum standards for accommodation on board commercial fishing vessels** that fly its flag, ensuring that such accommodation is of adequate size, quality and appropriately equipped for the service of the vessel and the length of time fishers live on board. In particular, such measures could address, as appropriate:
- requirements for maintenance of accommodation;
 - ventilation, heating, cooling and lighting;
 - mitigation of excessive noise and vibration;
 - location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;
 - sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water; and
 - procedures for responding to complaints concerning accommodation that may not meet the established standards.
- 55) AMS are encouraged to, in accordance with national laws, establish **requirements with respect to food and potable water on board commercial fishing vessels**, such as requiring that:
- the food carried and served on board be of a sufficient nutritional value, quality;
 - and quantity (at least 200g dry food per person per day) and religiously compliant;
 - potable water be of sufficient quality and quantity; and
 - the food and water shall be provided by the commercial fishing vessel owner at no cost to the fisher.
- 56) AMS are encouraged to, in accordance with national laws, establish **requirements that fishers are provided with reasonable access to communication facilities on board the commercial fishing vessel**, taking into account the availability, practicality, and cost of such access.
- 57) AMS are encouraged to, in accordance with national laws, establish **requirements with respect to medical care**, such as ensuring that commercial fishing vessels carry appropriate medical equipment and medical supplies (as listed in **Annex C**) with instructions in a language that the fishers can understand; that there be at least one fisher on board the vessel who is trained in first aid and able to use medical equipment; that, where practicable, commercial fishing vessels be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage; and , fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness.
- 58) AMS are encouraged to, in accordance with national laws, establish **requirements related to occupational health and accident prevention**, such as encouraging that the commercial fishing vessel owner: establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the commercial fishing vessel concerned; provide every fisher on board with appropriate personal protective clothing and equipment; ensure that every fisher on board has received basic safety training approved by the competent authority; ensure that fishers are sufficiently and reasonably familiarized with equipment and methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned; and that there are sufficient reporting and investigation protocols when accidents do occur.

- 59) AMS are encouraged to, in accordance with national laws, establish measures to promote entitlement and support **equitable access to social protection, including social security measures, for fishers**; and AMS may cooperate, where appropriate, through bilateral or multilateral arrangements or other arrangements to progressively strengthen social security protection for fishers, taking into account differences in working conditions, employment arrangements, and contribution systems, as well as practical considerations relating to portability and continuity of benefits.
- 60) AMS are encouraged to, in accordance with national laws establish **requirements related to the provision of protection in the case of work-related sickness, injury or death**, specifically that in the event of injury due to occupational accident or disease, the fisher shall have access to appropriate medical care; and the corresponding compensation in accordance with national laws and regulations. AMS may also establish, where appropriate, a system for commercial fishing vessel owners' liability, insurance, workers' compensation or other schemes, including in cases of death.

iii. Penalties and corrective measures

- 61) AMS are encouraged to, in accordance with national laws, establish **clear and adequate penalties – including provisions on injunctive relief - for violations** of the legal provisions enforceable by competent authorities.
- 62) Penalties should, where appropriate, be sufficiently dissuasive and swiftly applied within the limits of each national legal system, and through referral to relevant authorities who have mandate to enforce specific penalties, such as power to detain.
- 63) In order to be credible, penalties should, where appropriate, be commensurate with the gravity and nature of the offence, the characteristics of offenders, potential risk, or the damage caused, whilst considering national baselines. Penalties should, where appropriate, also be proportionate, taking into account the full range of relevant aggravating and mitigating factors, and the complexity, quality and clarity of the laws being enforced.
- 64) If penalties consist of fines, their amount should, where appropriate, be regularly updated taking into account inflation, with a view to avoiding the erosion of their dissuasiveness over time.
- 65) Adequate penalties should, where appropriate, be available for the obstruction of labour inspection activities, or for violence, harassment and intimidation against competent authorities.

4. Capacity and training of authorities and stakeholders

i. Inspectorate/ competent authorities

- 66) AMS may **develop and deliver capacity development training** and materials to ensure competent authorities have a clear understanding of the labour standards and inspection systems, including the scope of inspections, general method of inspection, system for collaboration, reporting and enforcing laws and regulations on living and working conditions on board commercial fishing vessels.

- 67) AMS may put in place systems to ensure inspectors receive proper and continuing training on the relevant tools including on interview protocol; commercial fishing vessel safety and other requirements; how to board vessels safely; how to identify misclassification of the working relationship; and consistent application of enforcement standards.
- 68) AMS may ensure inspectors have the capacity to identify child labour, forced labour and trafficking, in particular by ensuring that inspectors receive training on the legal minimum age for work on vessels and the definition of hazardous work; the indicators of forced labour (**see Annex D**); and how to identify a victim of trafficking; as well as any standard operating procedures or protocols on how to refer children, and victims of trafficking and forced labour to the appropriate services.

ii. Implementing with sectoral bodies and stakeholders

- 69) AMS may identify relevant stakeholders – including vessel owners, employers, employment agents, and fisher associations – to work with to build a common understanding of the requirements for labour inspection in the fishing sector, and the role that stakeholders play in supporting and strengthening the effectiveness of labour inspections.

5. Resources

- 70) AMS may ensure that there are a sufficient number of qualified inspectors who are properly trained and have sufficient guidance to perform their duties. Inspectors should, as far as is practicable, be provided with sufficient resources, including offices and transport.
- 71) Depending on the complexity and length of an inspection, the competent authority or authorities may determine whether one or more inspectors should carry out the on-board inspection. The competent authorities should, as far as is practicable, establish clear procedures for such inspections.

B. Strategic planning and monitoring of inspections

1. Planning, risk assessment and targeting mechanisms

- 72) AMS are encouraged to take a planning and programming approach to labour inspection in the commercial fishing sector, in which annual objectives are identified – in consultation with relevant stakeholders – and an annual plan devised that may seek to target specific areas of risk. These areas can then be the subject of broader compliance campaigns.
- 73) Commercial fishing vessels may be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant law and regulations on living and working conditions on board.
- 74) The competent authority or authorities will have to determine what constitutes “as often and as thoroughly as is necessary” and may establish protocols on the types of

inspections to be carried out, when and how they are chosen and their frequency. Types of inspection may include:

- periodic inspections, which should be announced to the vessel owner, and the skipper, if necessary, unless the inspectors consider that such an announcement may be prejudicial to the performance of their duties. The maximum time period between periodic inspections needs to be determined. Periodic inspections should normally be carried out in ports;
- targeted inspections for a specific problem or type of vessel (such as those identified for prioritisation above), which could be announced, generally, depending on the situation that has been identified;
- spot check inspections to check compliance, which should be unannounced (including for those vessels with recorded non-compliance, or vessels in the same fleet); and
- inspections stemming from a complaint, which should be unannounced.

75) AMS may ensure that the competent authorities prioritise vessels for inspection based on the following risk indicators (**see Annex E: Indicators of high-risk vessels**), including, where appropriate:

- Vessels that are 30 gross tonnage and over, or that are between 10-30 gross tonnage but where the activities of the vessel or gear create a heightened risk factor, or that normally navigate a distance exceeding 200 nautical miles from the coastline of the flag State or beyond the outer edge of its continental shelf;
- Vessels that are at sea for more than three months;
- Vessels – and related vessels in the same fleet – that are reported with recurring deficiencies and non-compliances;
- Association with IUU fishing activities or related non-compliance risk, which may include intermittent functioning of Vessel Monitoring System and Automatic Identification Systems.

76) AMS may encourage competent authorities to use monitoring surveillance (such as a vessel monitoring system) and data to help measure and identify risk that vessels are engaged illegal fishing (often correlated with labour rights violations) or where there are indicators of high risk that they are likely to have violated the law and regulations on living and working conditions (**see Annex E: Indicators of high-risk vessels**).

77) Where appropriate, the sharing or linking of information databases between labour inspectorates; fisheries monitoring systems; immigration; and port authorities (with information on vessel registration in accordance with applicable national data protection laws and with appropriate safeguards for the personal data of fishers and migrant workers, fishing licences, migrant workers and their employers, and inspection history) could facilitate more targeted inspections; including the sharing and use of accident data from relevant stakeholders included trade unions and NGOs.

78) Recognising that IUU fishing may be a risk indicator for labour issues, where appropriate, AMS may establish a coordination mechanism between the competent authorities for labour inspection and fisheries inspection, so that the competent authority is made aware of any vessels blacklisted under IUU inspections and can flag them for labour inspection and appropriate follow up.

2. Complaints and reporting mechanisms

- 79) AMS may put in place a system to receive complaints or to receive information indicating that a commercial fishing vessel flying its flag is not in compliance with applicable laws and regulations concerning labour rights and OSH protection. Where such complaints or credible information are received, the AMS may take appropriate measures to verify and investigate the complaint and ensure that corrective actions are implemented to remedy any identified deficiencies.
- 80) Inspectors should treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to fishers' working and living conditions or a violation of laws and regulations and, as far as is practicable, give no intimation to the commercial fishing vessel owner or the commercial fishing vessel owner's representative that an inspection was made as a consequence of such a grievance or complaint.
- 81) The competent authority should establish a complaints procedure and manage complaints from fishers, professional bodies, associations, trade unions and any persons with an interest in the safety of the vessel, including with an interest in the safety or health risks to fishers on board. This may include:
- ensuring accessible and multi-lingual complaints channels;
 - establishing what is a complaint, and what constitutes a "manifestly unfounded" complaint;
 - ensuring that a robust process is in place, from the time of the receipt of the complaint to the closing of each issue identified;
 - developing procedures for receiving and responding to complaints from port States and other relevant agencies, including to:
 - o ensure confidentiality;
 - o integrate interpretation and translation;
 - o avoid retaliation – including against undocumented migrant workers, and the blacklisting of any fishers concerned;
 - o use trade unions, commercial fishing vessel owners, non-governmental organizations and others as conduits of complaints;
 - o enables complaints by family members;
 - o work with trade unions, commercial fishing vessel owners, non-governmental organizations and others to follow up on complaints;
 - o use the internet, email or a hotline to register complaints;
 - o strengthen the availability of communications mechanisms on board vessels; and
 - o promote awareness of the complaints mechanism to ensure that fishers are aware of it, for example through fisher associations and trade unions.

3. Inspection tools

- 82) AMS may establish tools to support competent authorities in their ability to conduct labour inspections on commercial fishing vessels. Including: [Sample/Model] Fishers' Work Agreement (**Annex B**); Medical Supplies Checklist (**Annex C**); Indicators of Forced Labour (**Annex D**); Guidance for interviews and sample Fisher interview questions (**Annex F**); Sources of information for inspectors (**Annex G**); and Model Inspection Checklist (**Annex H**).

- 83) AMS may provide sufficient technical support to competent authorities, including language interpretation and support for planning, administration and reporting of inspections.

4. Safety of inspectors

- 84) Inspectors should be safe when carrying out their inspection. The risk evaluation for inspectors should address their personal safety, security and health and the inspectors should have access to protection services.
- 85) AMS may, where practicable, ensure sufficient resources are available to guarantee the safety of inspectors, such as the sufficient number of labour inspectors; and ability to coordinate with other agencies for safety, e.g. coast guard, maritime police, national police, safety authorities port authority; and sufficient funding for safety aspects.

C. Undertaking inspections

1. Elements of inspections

- 86) AMS competent authorities may ensure inspections cover all elements of law and regulation that relate to the living and working conditions on commercial fishing vessels, as established above in the **Section VI A 3.ii (para 42-59)** above *minimum protection of labour rights and OSH for fishers on commercial fishing vessels in line with international standards* (see **Annex D** Indicators of Forced Labour; and **Annex H** for the Model Inspection Checklist that covers these minimum standards).

2. Actions to be taken following the inspection

- 87) AMS may develop a list of violations where immediate action may be required following the inspection, these may include:
- If the competent authorities detect an immediate threat to the health or safety of fishers, the competent authorities should immediately alert the skipper to stop the operation causing the risk, and detain the vessel until remediation.
 - If there are fishers below the minimum age for work in fishing, these fishers should be removed from the vessel and the skipper/owner sanctioned, unless to do so would cause the worker further harm.
 - If the inspector identifies indicators of forced labour or trafficking, follow the relevant national protocol.
 - If a fisher indicates that they want to leave the boat for labour abuses, the fisher should be allowed to stay in port, and, as far as is practicable, be kept away from the skipper, crew supervisor or owner.
 - For other serious violations or if legally required documents are not on the vessel (e.g. crew list, fishers work agreements), the inspector may coordinate with the harbourmaster and other relevant agencies to possibly detain the boat until the issues are resolved.

3. Recording inspections and data collection

- 88) As soon as possible after the inspection, competent authorities should prepare reports of their inspections.
- 89) AMS may develop guidance and instructions on standard types and formats of inspection reports, and on reporting by electronic means.
- 90) Copies of reports may be provided to the vessel owner, skipper and fishers (information on inspection results may be made available to fishers by posting inspection reports where they can easily be seen, for example).
- 91) The reports should identify any deficiencies and any required actions, in particular:
- give appropriate advice in keeping with national laws and regulations;
 - bring to the attention of the skipper of the vessel any deficiencies found, with required deadlines for their rectification;
 - set out any penalties or other corrective measures that may be enacted under national law;
 - require any conditions on board that are clearly hazardous, with high levels of risk to safety or health, to be rectified before departure; and
- 92) AMS may establish reliable databases on inspections to help make the following actions systematic:
- recording inspections, actions taken, follow up and outcomes;
 - collecting, recording, managing and analysing data;
 - recycling analysis as inputs for improved targeting of vessels and ports.
 - ensuring confidentiality and data protection safeguards consistent with national law, particularly for personal data collected through fisher interviews.
- 93) AMS may make public a report or compilation of information from the inspections on a regular or annual basis. Any published reporting inspections may be made anonymous as regards to crew, skipper and owner, and may draw attention to common and significant deficiencies and lessons learned.
- 94) The competent authority or authorities might provide the following online services:
- registering commercial fishing vessels, or at least obtaining registration information from other authorities;
 - checking company records and vessel ownership, including details of licensing, joint ventures and charter arrangements, where appropriate;
 - reviewing any information available on the vessel, including, where appropriate, the results of previous flag or port State inspections conducted by other inspection agencies, in order to provide a comprehensive picture of working and living conditions on board the vessel;
 - determining procedures for seeking additional expertise (for example from health authorities, authorities dealing with child labour or immigration authorities) and for making advance arrangements for using such expertise, and clarifying the roles of regulator and decision-maker if using such outside expertise.

D. Promoting compliance through stakeholder engagement

- 95) AMS may encourage competent authorities and inspectorates to identify priority issues to build compliance in the fishing sector. Using data, the competent authority labour inspectorate can identify what factors have a positive or negative impact on compliance and can devise compliance awareness campaigns focused on these factors.
- 96) AMS may encourage competent authorities and inspectorates to build an understanding of the different stakeholders that influence compliance with legal requirements for living and working conditions on commercial fishing vessels.
- 97) The competent authority or authorities should hold regular consultations with commercial fishing vessel owners and with fishers' representative organizations, where they exist, and civil society organizations, to collaboratively identify ways to improve compliance, identify priority issues, address resources, and help promote and strengthen social dialogue in the sector.
- 98) AMS may develop legal and technical guidance – through consultation with commercial fishing vessel owners and workers – for the commercial fishing industry to help commercial fishing vessel owners, skippers, recruitment agencies, fishers, fishers' representatives and others to ensure compliance with legal requirements on working and living conditions. Such guidance should be updated to reflect changes in national requirements and lessons learned from inspections.
- 99) AMS may design communication campaigns in conjunction with the employers and fishers that make clear the legal requirements of living and working conditions, making use of the employers' websites, bulletins, publications, newsletters, and billboards to reach the target audience.
- 100) AMS may establish education campaigns to educate employers about their duties and ways in which they might access compliance assistance through the competent authorities or other stakeholders.
- 101) AMS may also establish education initiatives to train fishers on their rights, including on safety at sea, and providing accessible information on regulations to prevent exploitation and forced labour.
- 102) AMS may establish protocol and tools for competent authorities and other authorities to provide education and training to fishers on the legal requirements of living and working conditions.
- 103) AMS will record best practices for compliance building, which can be shared with other AMS for greater regional compliance.

E. Port-state control

- 104) Port State control under this section complements the primary responsibilities of flag States to ensure vessels flying their flag comply with applicable international and national standards on labour rights and OSH. Each AMS, in its capacity as port State, can exercise port State control to inspect foreign-flagged commercial fishing vessels entering their ports.

105) The AMS, in its capacity as port State may, in accordance with national laws, legally mandate a Port State control Officer (PSCO) as the person authorized by the competent authority in the port State to carry out port state control inspections. AMS may appoint labour inspectors as PSCOs. In any event, the operational mandate of the PSCO for labour inspections will be clarified.

106) Where PSCOs are not labour inspectors, AMS should establish coordination procedures to ensure that PSCO findings on working and living conditions are communicated promptly to the competent labour inspection authority for follow-up, and that labour inspectors are available to support PSCOs during inspections. Coordination with other competent authorities will also ensure any relevant identified risks trigger further investigation or inspection.

107) If an AMS, in whose port a commercial fishing vessel calls in the normal course of its business or for operational reasons, receives a complaint or obtains evidence that such vessel does not conform to the requirements of law and regulation on labour rights and OSH protection, the PSCO may, in accordance with national law, inspect the vessel.

i. In the event of a complaint

108) A record should be taken of the complaint, how it was received, who it was received from and the details of the vessel. The PSCO should then determine the validity of the complaint in line with due process. Where a complaint is found to be manifestly unfounded, reasons should be recorded.

109) In the case of a complaint, the PSCO may investigate the matter and conduct an inspection in accordance with the requirements of **Section VI.A.3.ii (paragraphs 42-59)**. The PSCO may, however, limit the scope of the inspection to the subject of the complaint.

ii. In the event evidence is obtained that the vessel does not comply with laws and regulation

110) Before taking action on the basis of evidence obtained, the PSCO should inform the commercial fishing vessel's skipper of the evidence and any intention to investigate.

111) If initial review of the evidence justifies an inspection, the PSCO should examine any relevant commercial fishing vessel's documents and certificates. If the documents are not in a language understood by the PSCO, he/she should seek appropriate assistance, for example from the skipper or a representative of the flag State.

112) The PSCO may then conduct an inspection in accordance with the requirements **Section VI.A.3.ii (paragraphs 42-59)**. The PSCO may, however, limit the scope of the inspection to the subject of the evidence provided.

iii. Action in the event of nonconformities

113) Should there be evidence of failure to conform with law and regulation on inspection of the vessel, and that hazardous conditions on board need to be immediately rectified to ensure the safety or health of fishers, the PSCO may require

this of the skipper and prepare a report to the flag State. The PSCO may prevent sailing before nonconformities are remedied in line with considerations listed below.

- 114) Where a PSCO encounters child labour, forced labour or human trafficking, they will, as far as is practicable, prioritise the safety of the victims by enabling removal of victims to a safe place and providing access to necessary services.
- 115) When reaching a decision on whether or not to prevent a vessel from leaving port, PSCOs may consider multiple factors that include the following:
- a. the number of deficiencies identified during the inspection
 - b. whether the deficiencies can be rapidly remedied before departure;
 - c. whether the deficiencies constitute a significant risk to the safety or health of fishers including but not limited to: absence of life-saving equipment, seriously inadequate food or water supplies, absence of necessary medical equipment or trained personnel, unsafe structural conditions, serious fire hazards, or conditions indicating forced labour or trafficking;
 - d. prior history of similar deficiencies, including prior history of the vessel owner, and flag State's compliance and responsiveness with respect to rectifications;
 - e. detention should be proportionate to the severity of the deficiency and should be lifted as soon as the condition is rectified;
 - f. the duration and nature of the intended voyage;
 - g. risk to fishers.
- 116) AMS may not unreasonably detain or delay a vessel.
- 117) Following completion of a port-State control inspection and any necessary detention or remedial measures, the port AMS may: (a) maintain records of the inspection, findings, actions taken, and communications with the flag State, integrating this information into national labour inspection databases per Section VI.C.3; (b) monitor flag State responses to reports and take note of patterns of non-response or inadequate follow-up; (c) share inspection findings through regional cooperation mechanisms under Section VI.G to alert other port States and support regional risk assessment subject to applicable national laws on cross-border transfer and protection of personal data of fishers; and (d) coordinate with national labour authorities to ensure that any fishers requiring victim protection, medical care, repatriation, or access to remedies are referred to appropriate services per Section VI.F.3.

iv. Cooperation by the foreign commercial fishing vessel

- 118) Where the foreign commercial fishing vessel fails to cooperate with the PSCO by denying them access on board or by obstructing their lawful inspections, the PSCO, in accordance with the national regulations of the port State, may report the vessel to the nearest maritime, consular or diplomatic representative of the flag State. The vessel may, in accordance with national laws, be detained until a satisfactory inspection can be made to determine whether there are any conditions on board that are clearly hazardous to safety and health.
- 119) AMS may develop procedures for receiving and responding to complaints from port States and other relevant agencies, including protocols on response and rectification.

F. Supervising compliance and enforcement

120) The compliance supervision and enforcement provisions in this section apply to all inspections conducted under Section VI, whether of commercial fishing vessels flying the AMS flag, or foreign-flagged commercial fishing vessels subject to port-State control under Section VI.E. For port-State control inspections, enforcement actions may be taken in accordance with these provisions and additionally may include reporting to the flag State government as specified in Section VI.E while respecting the principle that port-State measures may not unreasonably detain or delay vessels.

1. Follow up investigation

121) Competent authorities should, where appropriate, have powers to issue two kinds of notices without bringing a prosecution or going to a judicial or arbitral authority:

- improvement notices, consisting of the power to order measures within a prescribed time limit as may be necessary to secure compliance with the legal provisions relating to the workers' safety and health;
- prohibition notices, consisting of the power to order measures with immediate executory force in the event of imminent danger to the health or safety of the workers, with the aim to secure the situation and remove the danger.

122) AMS may establish protocols so that further to the issuing of improvement and prohibition notices, competent authorities, where appropriate, conduct follow-up inspection actions to check compliance with such notices and to ascertain whether or not the breach of the legislation has been remedied.

2. Penalties and corrective measures

123) The competent authority should provide guidance on what discretion they may exercise with respect to the reasonableness of imposing penalties (including fines) and corrective measures as opposed to giving warnings and advice on compliance (i.e. issues that do not require immediate rectification); guidance for penalties for obstructing inspection; procedures for appeals; and guidance on how to avoid unreasonable delays and detentions of commercial fishing vessels.

124) AMS may establish mechanisms on coordination between competent authorities and regional fisheries management organisations, so that, where appropriate, where an inspection imposes penalties and corrective measures, an IUU inspection may be referred.

3. Referral

125) AMS may ensure that there is up to date and relevant mapping of service providers with protocols on referral mechanisms, to enable quick referral from the competent authorities, in particular where fishers are identified as being children, or victims of forced labour or trafficking or in any other way in need of physical or mental health and wellbeing support, there should be an efficient process of notifying the appropriate authority so that prompt and appropriate action can be taken.

- 126) The competent authority may, in accordance with national laws determine what actions should be taken, and by whom, if inspections or complaints indicate violations of the rights of freedom of association, to organize, for collective bargaining, to equal remuneration, or to protection against discrimination. Where the inspection service lacks the authority to address such matters, it should know in advance which authority, authorities or other entity to notify.
- 127) Where there is significant non-compliance and enforcement challenges, the competent authority may coordinate Regional Fisheries Management Organisations to check whether the vessel is blacklisted and/or trigger a fisheries inspection.

4. Enforcement

- 128) Where the inspection finds that law and regulations have been violated, and such are enforceable by the competent authority, the competent authority may, where appropriate, commence legal proceedings without warning, especially in the event that the safety of the fishers is at significant risk.
- 129) Competent authorities may have the discretion to, where appropriate, choose to initiate or not a sanctioning procedure as a means of enforcing legal provisions, especially in the event that the safety of the fishers is at significant risk.
- 130) Where necessary, competent authorities may use their injunction powers and, as a last resort, take formal enforcement action in order to achieve compliance with the law.
- 131) AMS may consider using reward mechanisms as an incentive for compliance.

G. National and regional cooperation and partnerships

- 132) AMS may take a whole-of-government and whole-of-society approach to cooperation and partnerships in the development and implementation of policies and mechanisms to strengthen labour inspection in the fishing sector.
- 133) At a regional level, AMS are encouraged to strengthen or consider establishing a mechanism or agreements for communicating, cooperating and coordinating in the event that the inspection findings require cross border collaboration in the form of referral to justice mechanisms and/or repatriation and justice mechanisms.
- 134) AMS are encouraged to develop and implement bilateral, regional and/or multilateral agreements and/or arrangements including for closer inspection cooperation, to protect the labour rights of fishers, ensuring the engagement of the social partners, and consistency with relevant international labour standards.
- 135) AMS should consider possibilities for initiating or strengthening cross-border cooperation and information sharing to counter the many harmful fishing practices driven by illegal business operations, including referral mechanisms to regional bodies including Regional Fisheries Management Organisations, and exchanges on high-risk or blacklisted vessels, and recurrent non-compliance patterns in accordance with

national data protection requirements and, where applicable, existing bilateral or multilateral data-sharing arrangements. This may include advocacy for representation of labour authorities in the Regional Fisheries Management Organisation due to the growing labour concerns.

- 136) ASEAN bodies and regional tripartite organisations, notably the ASEAN Labour Inspection Committee (ALICOM), ASEAN Trade Union Council (ASEANTUC) and ASEAN Confederation of Employers (AEC), will encourage and facilitate cooperation and partnerships of AMS stakeholders on a regional basis, including employers and workers representatives, and civil society, which will include continued learning and technical exchange and the sharing of emerging practices and lessons.

VII. Resource mobilization for implementation of the Guidelines

- 137) AMS are encouraged to ensure that human and financial resources, as well as infrastructure are available to implement policies and programmes, in particular that there is budgetary allocation for interpreter services for migrant fishers; specialised training modules; vessel inspection safety equipment; and technical cooperation with Dialogue Partners.
- 138) AMS are encouraged to bring attention of the efforts around increasing the effectiveness of labour inspections to regional and international organisations, development partners, the United Nations Network on Migration, and ASEAN Dialogue Partners for any support they can organise in the form of technical or financial assistance.
- 139) AMS are encouraged to promote public–private partnerships that can ensure implementation of the Guidelines.

VIII. Utilization of these Guidelines

- 140) AMS are encouraged to disseminate the Guidelines to intended users and stakeholders, and to the public in general. Where appropriate, publicity of the Guidelines should be given through different media, including press releases, television, radio and social media. AMS are encouraged to translate the Guidelines into national languages for wider dissemination.
- 141) AMS are encouraged to use the Guidelines widely in progressively improving their national policies and programmes and engaging in dialogue with countries and relevant stakeholders outside ASEAN on labour inspection in the fishing sector. In the utilisation of the Guidelines, AMS are encouraged to coordinate and collaborate with appropriate stakeholders in port States, coastal States and flag States.
- 142) The implementation of the Guidelines should be coordinated with implementation of the overall strategies on strengthening labour inspection in the AMS, including relevant regional commitments, and relevant international commitments that

are adopted by all AMS, including those under the UN 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

IX. Monitoring and evaluation of the Guidelines

- 143) Subject to implementation of the Guidelines by the AMS, AMS may engage in periodic monitoring and reporting on the implementation of these Guidelines, in consultation with commercial fishing vessel owners, skippers, fishers and their representatives, and private recruitment agencies. AMS are encouraged to prepare and share voluntary progress reports on Guidelines implementation every three years through the ALICOM, addressing: legal and policy reforms undertaken; inspection system capacity development; inspection activities and outcomes; inspection data (not officially considered confidential); enforcement actions and penalties; regional cooperation activities; challenges encountered and lessons learned; and plans for continued implementation.
- 144) Reports should be submitted by the ALICOM Chair to the Senior Labour Officials Meeting (SLOM) for information and guidance. Reports are encouraged to be shared with the ASEAN Occupational Safety and Health Network (ASEAN-OSHNET) and other relevant ASEAN sectoral bodies for peer discussion and mutual learning
- 145) Periodic regional level monitoring and reporting of the status of implementation of the Guidelines should be undertaken within five years of the adoption of these Guidelines, led by ALICOM and carried out by governments, employers' organisations, workers' organisations, and may include relevant stakeholders and other relevant stakeholders to ensure respect for the Guidelines in national and ASEAN policies and to promote a whole-of-society approach. The Checklist at **Annex H** can be used by AMS as a template to submit a report on the extent to which labour inspections are adequately inspecting the fishing sector.
- 146) ALICOM, with support from the ASEAN Secretariat, will provide support and advice on monitoring and evaluation processes of the voluntary-based implementation of this Guidelines.
- 147) AMS are encouraged to produce a regularly updated repository of promising practices to be shared among States and used to support monitoring and evaluation.

X. Annexes (Indicative)

Annex A. Glossary of key terms with definitions

“competent authority” means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the prevention, reduction and elimination of forced labour, labour exploitation and child labour; as well as in raising OSH standards and compliance with international labour standards in the commercial fishing sector in ASEAN;¹²

“consultation” means consultation by the competent authority with the representative organizations of employers and workers concerned, and in particular the representative organizations of fishing vessel owners and fishers, where they exist;¹³

“fisher” means every person employed or engaged in any capacity or carrying out an occupation on board any commercial fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a commercial fishing vessel and fisheries observers;¹⁴

“migrant fisher” refers to migrant workers who are employed in any capacity or carrying out an occupation on board commercial fishing vessels flying the flag of a country other than their own nationality.¹⁵

“skipper” means the fisher having command of a commercial fishing vessel; meaning the same as “master” and “captain”.¹⁶

“fisher’s work agreement” means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisher’s living and working conditions on board a vessel;¹⁷

“commercial fishing” means all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing;¹⁸

“fishing vessel” means any ship or boat, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing;¹⁹

“fishing vessel owner” means the owner of the commercial fishing vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on commercial fishing vessel owners in accordance with law and regulation, regardless of whether any other

¹² Convention No. 188, Art 1(b).

¹³ Convention No. 188, Art 1(c).

¹⁴ Convention No. 188, Art 1(e).

¹⁵ Definition in the ASEAN Declaration on the Placement and Protection of Migrant Fishers

¹⁶ Convention No. 188, Art 1(l).

¹⁷ Convention No. 188, Art 1(f).

¹⁸ Convention No. 188, Art 1(a).

¹⁹ Convention No. 188, Art 1(g).

organization or person fulfils certain of the duties or responsibilities on behalf of the commercial fishing vessel owner;²⁰

“flag State” means the AMS in which a vessel is registered;

“flag State control” is the exercise by a State of jurisdiction, control, and enforcement over vessels flying its flag to ensure compliance with international and national standards on vessel safety, crew welfare, and operational practices.

“gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it;²¹

“illegal, unreported and unregulated fishing” means,
Illegal fishing:

- conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation but operate in contravention of the conservation and management measures adopted by that organisation and by which the States are bound, or relevant provisions of the applicable international law; or
- in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

Unreported fishing:

- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- are undertaken in the area of competence of a relevant regional fisheries management organisation which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.

Unregulated fishing:

- in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.²²

“port State” means the AMS that allowed Port State Measures at its ports;

“port-State control” is the exercise by a State of jurisdiction over foreign-flagged vessels voluntarily in its ports to verify compliance with international standards and address serious deficiencies, complementing the primary responsibility of the flag State.

²⁰ Convention No. 188, Art 1(d).

²¹ Convention No. 188, Art 1(h).

²² FAO, International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

“private employment agency” refers to any natural or legal person, independent of the public authorities, which provides the labour market services consisting of employing migrant fishers with a view to making them available to a third party, who may be a natural or legal person that assigns their tasks and supervises the execution of these tasks, 12 in line with Convention No. 188 (which refers to Convention No. 181, Article 1, paragraph 1(b)). The characteristic of these labour market services is that the private employment agency – not the commercial fishing vessel owner – is the formal employer of the migrant fisher;²³

“recruitment” encompasses all activities related to the advertisement of and dissemination of information about work on commercial fishing vessels, the selection, transport and placement of migrant fishers for work on commercial fishing vessels, and the return of migrant fishers to their State of origin. This applies to both jobseekers and those in an employment relationship;

“recruitment fees or related costs” refers to any fees or costs incurred in the recruitment process, in order for migrant fishers to secure employment or placement on a commercial fishing vessel, regardless of the manner, timing or location of their imposition or collection;²⁴

“recruitment and placement service” means any person, company, institution, agency, manning or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, commercial fishing vessel owners;²⁵

“labour recruiter” refers to both public employment services and to private employment agencies and all other intermediaries or subagents that offer labour recruitment and placement services; labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks;²⁶

“violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.²⁷

²³ ILO, General principles and operational guidelines, Part 1(II), Definitions and terms.

²⁴ ILO, General principles and operational guidelines, Part 1(II), Definitions and terms.

²⁵ Convention No. 188, Art 1(k).

²⁶ ILO, General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs, 2019, Part 1(II), Definitions and terms.

²⁷ Convention No. 190, Art. 1(1)(a) and (b).

Annex B: Proposed Model Fishers' Work Agreement

The fisher's work agreement may be available in a language understood by the fisher, and contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable:

- (a) the fisher's full name, date of birth or age, and birthplace;
- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the commercial fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work;
- (d) the name of the employer, or commercial fishing vessel owner, or other party to the agreement with the fisher;
- (e) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (f) the capacity in which the fisher is to be employed or engaged;
- (g) if possible, the place at which and date on which the fisher is required to report on board for service;
- (h) the provisions to be supplied to the fisher, unless some alternative system is provided for by national law or regulation;
- (i) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
- (j) the terms for termination of the agreement, such as:
 - (i) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
 - (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the employer, or commercial fishing vessel owner or other party to the agreement with the fisher;
- (k) the protection that will cover the fisher in the event of sickness, injury or death in connection with service;
- (l) the amount of paid annual leave or the formula used for calculating leave, where applicable;
- (m) the health and social security coverage and benefits to be provided to the fisher by the employer, commercial fishing vessel owner, or other party or parties to the fisher's work agreement, as applicable;
- (n) the fisher's entitlement to repatriation, where applicable;
- (o) a reference to the collective bargaining agreement, where applicable;
- (p) the minimum periods of rest, in accordance with national laws, regulations or other measures; and
- (q) any other particulars which national law or regulation may require.

Annex C: Medical Supplies Checklist

Suggestions from the International Transport Workers' Federation

- Saline solution
- Cotton Sterile Stick Swab Size M
- Iodine Solution
- Opsar Eye Lotion
- Conform Bandage 4"x 5yds 1 roll
- GPO Alcohol 240ml (plastic)
- Carbon Tablets
- Oreda (orange flavour) rehydration salts 100 x 3.3gm 5 packets/kit
- Analgesic/Tiger Balm
- Paracetamol 500mg 100 tablets
- White Rabbit stomach elixir 200 ml
- Cotton Balls 10g (sterile)
- GPO Plasters 100 pcs
- GPO Pore 1"x10 yds bandages
- Latex/Hygienic Gloves
- Vitamins
- Antibiotics (azithromycin 500mg 50 cold and fever, flucloxacillin 250mg 100 soft tissue infection)
- Antihistamine (cetirizine/citirizine - 10mg non-drowsy tablet)
- Allergy Medicine (antihistamine)
- Antiseptic Soap (Dettol/ProTex/etc)
- Elastic Bandages (for sprains or swelling compression)
- Antifungal Cream, Temibafine
- Medical Guide (e.g. instructions on the use of medical supplies)

Annex D: Indicators of Forced Labour

There are eleven indicators of forced labour based on the ILO Forced Labour Convention, 1930 (No. 29):

1. **Abuse of vulnerability:** occurs when an unscrupulous employer or recruiter intentionally takes advantage of a worker's vulnerable position, for example irregular work or residency status, to impose abusive working conditions or tasks the worker would otherwise never accept.
2. **Deception:** refers to the failure to deliver what has been promised to the worker, either verbally or in writing.
3. **Restriction of movement:** Workers can have their movements restrained during recruitment (e.g. while being transported) and/or at their workplace or employer-provided accommodation.
4. **Isolation:** including working in remote locations, physically cut off from the outside world.
5. **Physical and sexual violence:** including use of force or abuse to intimidate or control workers.
6. **Intimidation and threats:** including threats of dismissal, financial penalties, or reporting to authorities.
7. **Retention of identity documents:** including confiscation of passports, contracts, or IDs to prevent leaving.
8. **Withholding of wages:** payments are deliberately and systematically withheld to compel workers to remain in their jobs and prevent them from leaving.
Debt bondage: people are coerced into working against their will to repay a debt to an employer or recruiter, or when the debt is deliberately manipulated to ensure it cannot be repaid.
9. **Abusive working and living conditions:** subjected to degrading working conditions (humiliating, unsanitary or demeaning) or hazardous ones (difficult, dangerous, or lacking adequate protective equipment), in clear violation of labour law and human dignity.
10. **Excessive overtime:** including forcing work beyond limits prescribed by law or contract, often without consent.

Annex E: Indicators of high-risk vessels

The following non-exhaustive indicators may – especially when taken together – be considered, in identifying vessels that may present a higher risk of non-compliance:

1. Manning/crew size and ratio of vessel crew size to government manning requirements. Crew minimums vary by vessel size and type. A lower ratio of actual crew size to the manning requirement may indicate higher risk.
2. Crew list. A mismatch between crew list numbers and actual crew count at port inspection, or a mismatch between registered biometric data and actual crew iris scan, indicates high risk.
3. Hours. Repetitive/uniform hours records (e.g., records show same hours and times each day for all workers) may suggest potential irregularities.
4. Ports of departure and landing. Patterns involving different in/out ports may warrant closer attention.
5. Pay records. Wage records that are not up to date or lack regular entries may indicate potential concerns.
6. Crew turnover. The turnover is the percentage of crew that has left in three months. A high percentage may indicate higher risk.
7. Licensing, documents, taxes. Complete documents and required payments to the government are measures of overall management. Missing or incomplete documents may indicate higher risk.
8. Larger vessels (e.g. 30 gross tonnage and above), or smaller vessels with higher-risk activities or gear, or those operating far from the coastline (e.g. beyond 200 nautical miles), may present higher risk;
9. Extended periods at sea (e.g. more than three months) may be associated with higher risk.
10. Vessels – and related vessels in the same fleet – that are reported with recurring deficiencies and non-compliances;
11. Recruitment of crew via high-risk corridors;
12. Association with IUU fishing activities or related non-compliance risk, which may include intermittent functioning of Vessel Monitoring System and Automatic Identification Systems;
13. Repeated trans-shipments of catch or transfer of crew at sea;
14. High numbers of complaints through complaint mechanisms;
15. Lack of crew connectivity.

Annex F: Guidance for interviews and sample Fisher interview questions

Interviews can be conducted with the fishers, skippers, vessel owners, recruitment agencies and their agents and representatives. Interviews should be conducted in private unless the presence of witnesses is required under national law; for fishers this means away from employers, commercial fishing vessel owners, skippers, recruitment agencies and their agents and representatives. The inspector, not the skipper or crew supervisor, should choose which fishers to interview. The goal is to carry out interviews covering at least 25 per cent of the crew. Interviews can take place in small groups (3-6 fishers) or individually depending on the circumstances.

Conducting the interviews

- Getting good results from an interview requires trust. To help build this trust, don't rush, listen actively and respectfully
- Begin interviews with introductions and a description of inspector's purpose ("To understand more about working conditions on the boat")
- Emphasize that the information gathered during the interview will be kept strictly confidential and that others will be interviewed.
- Indicate that interviews will take around 15 minutes.
- Use open, not closed questions and try to get fishers to tell stories about working conditions on their boat and even other vessels.
- Ask about recent not just current practices—e.g. 'Has this happened in the last six months, one year?'
- Ask also about other fishers and other boats on key topics. These stories should not be taken as evidence of a violation but as possible information for follow up and to understand industry practice.
- Try giving an example in your question of a violation to show workers you know what sometimes happens ("On some boats, workers are promised higher pay but the real pay is lower than promised. Has this happened on your boat?").
- Repeat or rephrase answers from workers if they seem to misunderstand or their answers are not clear.
- Your interview notes can count as evidence for enforcement actions so make sure, they are clear, accurate and complete.

Ending the interviews

- Ask workers what other questions they have for inspectors/officials.
- Remind workers of the basic protections in law, in particular related to minimum wage, minimum rest, access to health care services, right to leave the boat and quit their job, rights in relation to complaints and joining unions.
- Ask workers if they have copies of their contracts. If not, provide a printed copy now (if possible) and invite them to make photos with their phones.
- Ask workers if they have questions about their contracts.

Issue	Fisher interview question ²⁸
Hiring	How did you choose this boat? Please tell me the story. Did you choose to work on this fishing vessel? [FL FLAG] Did you get hired with help from a broker or agent? Did the broker or agent charge you any money for getting the job?

²⁸ Note: where the question denotes "**[FL FLAG]**" this is an alert to the inspector that there may be an indicator of forced labour present.

	Did you sign a contract to work on this boat? Is it written in your language? Did the owner/skipper give you a copy of the contract to keep? If no, would you like a copy of it now? Would you like to take a picture with your phone? Did someone explain your contract to you? Would you like me to explain it to you now? Do you have your passport/ID?
Recruitment	Is the work on the boat the same as was promised to you before you started? • Type of work is different than promised • Time at sea is longer than promised • Port is different • Boat or boat owner is different • Wages are different (Ask if worker knows what the minimum wage is) • Pay schedule is different • Hours worked are different • Living conditions are different • Freedom to move or leave is different Were any other things promised that are different? Who made these promises? (Ask owner, skipper, broker)
Leaving	What would happen if you wanted to leave your job and the boat? [FL FLAG] When you are in port, are you able to leave the boat if you want to? • If no, why don't you feel free to leave? [FL FLAG] Do you keep your passport/id and important papers with you? • If no, can you get your documents whenever you need them? [FL FLAG] Do you know of fishers who have been left in another port or country? Do you know how they got home?
Wages payment	Are you paid for a month of work or another way? • If another way, on what basis? Do you ever have deductions taken from your pay that you have not agreed to? [FL FLAG] Does the owner/skipper give you a paper/payslip detailing payment, e.g. hours and deductions? How do you keep track of how much the owner owes you? Who gives you the money? How are you paid? • Do you have access to your bank account? • Does anyone else have access to your bank account? Do you ever sign for getting paid on a document that has the wrong amount on it? Have you ever had your pay withheld to be paid at a later date; did you agree to this and did you receive your pay in the end? [FL FLAG] Is money withheld or not paid in order to satisfy a debt or a loan? Has this repayment impacted your ability to leave the vessel or change jobs? [FL FLAG]
Hours, leave	Can you tell me about the working hours on the boat? How does it usually go? How much rest do you get? What is the longest day that you have worked? [FL FLAG] How often do you work for that long in a day? Are you able to ask for breaks? If the boat is at sea for one week, do you get a day with extra rest? How do you or the skipper know how many hours you have worked?

Leave, holidays	In a week, how much time off do you get? Have you ever needed time off because you were injured or sick, what happened?
Food and Sanitation	Can you tell me about the food on the boat? Is there enough food? Are you ever hungry or thirsty? How often do you go without fresh food? Have you ever been without water to drink? Has anyone ever been sick from the water on the boat? Does the boat have a toilet and can the fishers use it? Does the boat have a separate place for making food? Are there facilities to clean clothes and dishes?
Safety and Medical Care	Can you tell us about the last time someone was hurt on the boat? Have other crew members been hurt? How? Have you ever been aware of violence on board the vessel or do you know of anyone who has been threatened with violence? Can you say more about that? [FL FLAG] Do you know who on board is trained in first aid? Do you know where the medical box is, what is in it and how to use it? Has there ever been a medical or other emergency where the vessel has returned to port? Do you know of anyone who has had to leave the vessel because they were sick or injured? What happened? Who would pay for treatment if you were injured or got sick?
Gear and training	Have you or others been injured on the vessel? Are there problems with the gear or tools you are using? Is everything well maintained? Did you receive training on how to use the equipment? Are there any times you feel unsafe at work or that you might have an accident? What safety equipment are you provided with for your work? Does the boat have an emergency alarm and emergency communication system?
Communication	When on board, do you have access to any method of communicating with shore? How much does this cost?
Minimum age	Do you know any workers on the boat who are under 18? Are there any workers who look like they might be under 18? What kind of work do the workers who are/or might be under 18 do?
Freedom of Association and complaints	Is there a union or an organization to help the workers on your boat? • If yes, how is it organized? (e.g. Port-based union or fisher charity/services?) Do you have a representative on board to talk to skipper, owner, government officials? • If yes, who is he and how chosen? When you have a problem with work, who do you talk about it for help? Have fishers on your boat brought a problem to the owner or skipper? What were the problems? What was the response, resolution? Have the fishers ever refused to work or go on the boat before? • If yes, what was the reason and what happened? Has the owner/skipper told you not to meet with people from any organization?
Discrimination	Are all the workers on the boat treated the same? (E.g. work assignments, equipment, punishments, amounts or time for food)

	• If no, who is treated differently and why? (E.g. country of origin, religion, sexuality, relationship with skipper) Is pay the same for everyone who does the same kind of work? • If no, who is treated differently and why? Is there harassment or bad words used on the boat? • If yes, what things are said? (Exact words are important, not just 'rude words') [FL FLAG]
--	--

Annex G: Sources of information for inspectors

The following non-exhaustive list of documents and information may be considered, where relevant, during inspections:

- Crew list.
- Logbook
- Fishers' work agreements.
- Certificate of registration of the vessel.
- Passports, identity cards or other official documents confirming fishers' identity, and birth dates.
- Records of communication between the skipper and the fishing vessel owner.
- Work schedules.
- Medical certificates.
- Basic safety training certificates.
- Safety and health committee records.
- Reports of accidents and investigations.
- Occupational safety and health procedures and instructions.
- Accident prevention notices.
- Appropriate and well-maintained protective equipment.
- Documentation on the qualifications of the fishers on board including certificates of competency.
- National list of hazardous child labour
- Collective bargaining agreements (where they exist).
- Records of pay or payslips of fishers.
- Records of bank transfers or receipt of payment.
- Licence to fish in relation to area of operation.
- Catch information records that verify the length of time the fishers are likely to have worked.
- Information on which vessels are required under national laws, regulations or other measures to carry a valid document.
- Charts showing positions and dates, including whether the vessel has been at sea for extended periods or operated beyond national waters.
- Previous inspection reports.

Annex H: Proposed Model Inspection Checklist in Fishing Sector

This checklist provides indicative lines of enquiry and examples of inspection items that may be considered by inspectors, where relevant, in assessing compliance with applicable laws and regulations relating to living and working conditions on board commercial fishing vessels.

	Possible lines of enquiry	Possible Inspection items
RESPONSIBILITIES Assess whether the commercial fishing vessel owner has provided the skipper with the necessary resources and facilities to comply with laws and regulations relating to the living and working conditions.,	- <i>Has the skipper been provided with necessary resources</i> - <i>Are fishers working under supervision</i>	Training records Records of communication between the skipper and the commercial fishing vessel owner.
WORKING OR EMPLOYMENT ARRANGEMENT Establish the nature of the fisher's employment or working arrangement, which might be agreed with the commercial fishing vessel owner or by agents.	- <i>What is the employment or working arrangement – is the fisher considered employed or are they considered a contractor or service provider?</i> - <i>Is there a copy of the arrangement's agreement, or was it made orally?</i>	Records of communication between the skipper and the commercial fishing vessel owner. Recruitment records Fishers' work agreements.
FISHER'S WORK AGREEMENT Confirm that the commercial fishing vessel owner has ensured that each fisher has a written fisher's work agreement (in line with Annex XX) signed by both the fisher and the commercial fishing vessel owner, and that the agreement is in a language the fisher understands.	- <i>Is there a fishers' work agreement? Is signed by both the fisher and vessel owner? Is it in a language the fisher understands?</i> - <i>Alternatively, or additionally, is there a collective bargaining agreement that contains agreed work terms?</i> - <i>Does the fishers' work agreement include the terms set out at Annex XX?</i> - <i>Does the fisher understand the agreement? Were they given the opportunity to examine it and seek advice on it before freely accepting its terms?</i>	Crew list Fishers' work agreements.
MINIMUM AGE Assess for compliance with national laws or regulations or other measures on the minimum age for work on board a commercial fishing vessel.	- <i>Are there any persons working on board as fishers who are under the age of 16;</i> - <i>For any persons working on board who are between the age of 16 and 18, is there evidence that their work is in line with law and regulations as set by the competent authority?</i> - <i>Is there any evidence that persons under 18 are working at night?</i>	Crew list Identity Documents, Passports
FORCED LABOUR, VIOLENCE and TRAFFICKING	- <i>Are there indicators of forced labour as listed in Annex D?</i> - <i>Are there indicators of violence or trafficking?</i>	Interviews

Assess for indicators of forced labour, violence and trafficking; on the presumption that several will be present: isolation; lack of freedom of movement.		
WORKING HOURS AND REST Assess whether fishers are given regular rest such that ensures safety and health and is in line with the law and regulations; and that, where the schedule of rest has been reasonably suspended, that fishers are subsequently provided with adequate rest.	- <i>How much rest does the fisher get on a regular basis? Is it standardized? Does it comply with national law and regulation on minimum rest requirements?</i> - <i>Does the fisher feel the rest is sufficient to ensure safety and health?</i> - <i>Is rest commonly at the lower limits and regularly disrupted?</i> - <i>Where rest is not standardized or suspended; does the fisher receive adequate rest time subsequently?</i> - <i>Does the fisher show any signs of fatigue such as lack of concentration, irrelevant and inconsistent replies to questions, yawning and slow reaction times.</i>	Work schedules.
REGULAR PAYMENTS Inspectors should assess whether fishers who are paid a wage are receiving a monthly or other regular payment, that any deductions are authorised and that they are provided with a means to transmit their payment to their families at no cost.	- <i>What is the pay system on the commercial fishing vessel? Does it enable regular payment of wages and transmission of wages at no cost to the fisher?</i> - <i>Are fishers – in practice – receiving regular wages? Are there any deductions being made to wages? Are they able to transmit all or part of payments received, to their families at no cost?</i> - <i>Are there payslips or records of bank transfers?</i>	Records of pay or payslips of fishers. Records of bank transfers or receipt of payment.
RECRUITMENT Where the fisher was recruited by a private recruitment agency, assess whether the recruitment agent is licensed, certified or regulated in accordance with law and regulations of the AMS; and that fishers have not paid for the service.	- <i>Is the agent licensed? Check national websites of the competent authority regarding the licensing or regulation of fisher recruitment and placement services.</i> - <i>Did the fisher pay a fee to obtain the work? Interview fisher.</i> - <i>Are recruiters and vessel owners blacklisted?</i>	Recruitment records Blacklisting
MEDICAL CERTIFICATES Inspectors may assess whether there are valid medical certificates for every fisher on board issued by a qualified	- <i>Are there medical certificates available for inspection for each fisher on board the vessel? Are they in date?</i> - <i>Do the certificates state, at a minimum, that: (a) the hearing and sight of the fisher concerned are satisfactory for the fisher's duties on the vessel;</i>	Medical certificates Crew list, SMD and correct qualifications Schedules

medical practitioner of person recognized by the competent authority.	<i>and (b) the fisher is not suffering from any medical condition likely to be aggravated by service at sea or to render the fisher unfit for such service or to endanger the safety or health of other persons on board.</i> - <i>Are the certificates issued by a qualified medical practitioner of person recognized by the competent authority? Check list of approved medical practitioners and institutions available from the competent authority.</i> - <i>Are the fishers on board working or performing tasks that comply with the certificates and any listed restrictions?</i> - <i>Alternatively, are there any exemptions in place that mean that the vessel does not need to comply with the requirement for medical certificates?</i>	Watch keeping schedules
MANNING The inspector may assess whether the commercial fishing vessel is sufficiently and safely manned for the safe navigation and operation of the vessel, in accordance with national standards drawn up by the competent authority, and is under the control of a competent skipper.	- <i>Does the vessel have sufficient number of fishers relative to the size of commercial fishing vessel in accordance with the national standard – or sufficient qualified fishers – to ensure safe navigation and operation of the vessel?</i>	Crew list Logbook Work schedules
CREW LIST Assess whether the crew list corresponds with the fishers on board, and that the crew list has been provided to authorized persons ashore prior to departure of the vessel, or communicated ashore shortly after departure of the vessel. Where possible, the crew list may be requested prior to the physical inspection.	- <i>Is there a crew list on board?</i> - <i>Does the crew list include: name and flag State of the vessel, the name of the port and date of arrival, the name of the last port of call and the full name, nationality, rank or rating and date and place of birth of every crew member, as well as the type and number of their identity document?</i> - <i>Is the crew list accurate as regards the number and details of fishers on board the vessel?</i>	Crew list
REPATRIATION Assess whether fishers are repatriated at the cost of the vessel owner where a fisher's work agreement has expired or has been terminated for justified reasons by the	- <i>Are there any fishers on board with a work agreement that has expired or has been terminated for justified reasons by the fisher or by the commercial fishing vessel owner, or a fisher that is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out in the specific circumstances?</i> - <i>Is the repatriation of this fisher being arranged?</i>	Fishers' work agreement Reports of accidents and investigations.

fisher or by the commercial fishing vessel owner, or the fisher is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out in the specific circumstances.	- <i>Is the repatriation being funded by the vessel owner?</i> - <i>If not, is the AMS whose flag the vessel flies arranging repatriation?</i>	
ACCOMMODATION and FOOD Assess whether on-board accommodation is safe and decently habitable and in line with laws and regulations relevant to its age and size. Assess whether the vessel carries and serves food that is of sufficient nutritional value, and sufficient quality and quantity of food and potable water. This may be provided by the commercial fishing vessel owner at no cost to the fisher.	- <i>What are the specific requirements for accommodation on board the vessel (is the vessel new build; is it over 24 meters or 300gt)?</i> - <i>Does the number/size/space available for accommodation conform to requirements in relation to the number of crew?</i> - <i>On inspection, is the accommodation suitable in terms of</i> - o <i>the construction or modification of commercial fishing vessels;</i> - o <i>the maintenance and cleanliness of accommodation;</i> - o <i>ventilation, heating, cooling and lighting;</i> - o <i>noise and vibration;</i> - o <i>the location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces;</i> - o <i>sanitary facilities; and</i> - o <i>recreational facilities.</i> - <i>Is there more than one fisher assigned to a berth?</i> - <i>Is there a record to show that the accommodation is subject to frequent inspections and that any deficiencies are addressed?</i> - <i>Is there any record of monitoring of noise or vibrations levels and any reporting on rectification where the levels are not suitable?</i> - <i>Are the laundry facilities adequate and functioning?</i> - <i>Where necessary, is there a separate sick bay?</i> - <i>Is the food on board of sufficient nutritional value; there enough of it to meet the needs of the crew?</i> - <i>Is the water potable? Is there sufficient to meet the needs of the crew?</i> - <i>When asked about food and water, do the fishers indicate that they feel sufficiently fed; and are able to access drinking water when needed?</i> - <i>Are the food/water storage and catering facilities clean and hygienic and reasonably accessible?</i> - <i>Where the cost of food and water is recovered from the fisher, is this in line with a collective agreement, share system or provision of the fisher's work agreement?</i>	Food stocks records Maintenance and cleaning records
COMMUNICATION	- <i>Are communications facilities available to the fisher on board?</i>	Records of costs

Assess whether fishers have access to communication facilities on board the commercial fishing vessel, at a reasonable cost.	- <i>Are the costs of using these reasonable, and not exceeding the cost to the skipper or vessel owner.</i>	
OCCUPATIONAL HEALTH & SAFETY Inspectors may assess whether there are measures in place to prevent occupational accidents, occupational diseases and work-related risks on board commercial fishing vessels, including risk evaluation and management, training and on-board instruction of fishers.	- <i>Are there established on-board procedures/instructions for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on board the commercial fishing vessel concerned? Are there accident prevention notices on board?</i> - <i>Do the fishers know what the reporting procedure is for accidents?</i> - <i>Is the protective equipment on board appropriate and well-maintained? Do the fishers always have access to it when necessary?</i> - <i>Have the commercial fishing vessel owner and/or skipper received sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board the commercial fishing vessel?</i> - <i>Have fishers received training on the handling of the types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged?</i> - <i>Have the fishers received appropriate personal protective clothing and equipment?</i> - <i>Have any accidents been reported? Are there any accidents that have not been reported?</i> - <i>Do the fishers have any current health and safety concerns? Are there any concerns identified on inspection?</i> - <i>Is there a joint committee on occupational safety and health, or other appropriate body?</i> - <i>Has a risk evaluation in relation to fishing been conducted, as appropriate, with the participation of fishers or their representatives?</i>	Basic safety training certificates. Safety and health committee records. Reports of accidents and investigations. Occupational safety and health procedures and instructions. Accident prevention notices. Appropriate and well-maintained protective equipment.
MEDICAL CARE Assess whether the vessel carries appropriate medical equipment and medical supplies (see Annex XX: Medical Supplies Checklist) for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage; as well as a fisher who is trained in first aid and	- <i>Is the medical equipment on board sufficient for the number of fishers and operation of the vessel? Is it accompanied by instructions or other information that is in the language of the fishers? Is there a record demonstrating that the equipment and supplies are in date, have been checked and properly maintained?</i> - <i>Is there at least one fisher on board who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies?</i> - <i>Is there a radio or form of communication with which medical advice can be sought from ashore if necessary? Is there someone on board who</i>	Record of medical supplies kept and restocked Documentation on the qualifications of the fishers on board including certificates of competency.

adequate communication equipment to seek medical advice from ashore.	<i>knows how to use the radio specifically to access medical advice from ashore?</i> - <i>Is there a record of use of the medical equipment and supplies?</i> - <i>Is there any indication that fishers have not been able to seek medical treatment ashore or that they have not had their injury or illness dealt with in a timely manner?</i> - <i>For vessels of 30 gross tonnage and over, or that are between 10-30 gross tonnage but where the activities of the vessel or gear create a heightened risk factor, is there either the most recent edition of the International Medical Guide for Ships or a medical guide as required by national laws and regulations.</i>	
SOCIAL SECURITY Assess whether fishers are registered for social security, in line with national laws and regulations.	- <i>Does the Fishers' Work Agreement include information on health and social security coverage and benefits?</i> - <i>Is the fisher registered for social security? Verify with employers, in coordination with social security authorities, that registration is supported by payment of contributions.</i> - <i>Is there anything to indicate that the fisher is not being provided the health and social security coverage or benefits that have a right to?</i>	Fishers' work agreement Records of payments Registration documents
PROTECTION: INJURY OR DEATH Assess whether fishers have access to medical care and corresponding compensation in the event of work-related sickness or injury.	- <i>Does the Fishers' work agreements or collective bargaining agreement contain provisions on health protection and medical care?</i> - <i>Where insurance is the employer's duty, does documentation outline insurance coverage and duty?</i> - <i>When interviewed, do fishers report that they know of their rights to health protection and medical care? Where it has been required, were they able to access it?</i>	Fishers' work agreement Collective bargaining agreements
DISCRIMINATION Check that fishers do not face discrimination and are treated equally	- <i>Is there any indication that any fisher is treated differently, either in terms of pay, working conditions, or experiences of violence and harassment?</i>	Work schedules Records of payments Interviews

