



COMMISSION
NINETEENTH REGULAR SESSION
Da Nang City, Vietnam
28 November to 3 December 2022

Update From Co-Chairs on Intersessional Work to Improve Crew Labour Standards

WCPFC19-2022- Labour
28 November 2022

Indonesia & New Zealand

In December 2020 the Commission agreed that intersessional work to improve crew labour standards be led by Co-Chairs Indonesia and New Zealand. Work commenced in February 2021 with multiple rounds of email feedback and a virtual workshop in July. An update was also provided to TCC17. TCC17 recommended that work continue on improving crew labour standards and an update be provided to WCPFC18. An update was provided in WCPFC18-2021-DP07.

Intersessional work continued in 2022 with a workshop on 27 July, 2022 and discussion at TCC18.

The July workshop focused on three key areas: scope of the measure; roles and responsibilities for port CCM, flag CCM, vessel owner/operator, and crewing agency; and status of the crew agreement. A summary of the workshop is attached to this report (Attachment 3).

A planned November workshop was subsequently cancelled following consideration of the outstanding issues in the draft CMM and that the upcoming in-person Commission meeting would provide an opportunity for the co-chairs to discuss this critical issue with CCMs face to face. A draft framework for a revised CM is provided in Attachment 1 below. This paper is provided to assist in discussions at WCPFC19.

The draft measure as circulated in November is attached for reference (Attachment 1) as we consider some elements in the measure are well developed, noting the co-chairs intention to refocus the measure to ensure it is fit for purpose. A draft 2013-06 assessment is also attached (Attachment 2).

Kind regards,
Putuh Suadela (Indonesia) and Sarah McAvinchey (New Zealand)

Attachments

- Attachment 1 – Draft framework for CMM
- Attachment 2 - Draft measure as of November 2022
- Attachment 3 – Draft 2013-06 Assessment
- Attachment 4 – Summary of 27 July, 2022 workshop

Attachment 1. Draft revised CMM framework
Labour standards CMM framework

Overall structure

- The overall structure of the measure should follow the process of crewing from engagement with crewing providers and contractual agreements, embarking, life onboard the vessel (food, water, accommodations, etc), breach of contracts by the crew, disembarking and repatriation.
- This list does not cover all areas of the CMM, but is a good foundation to build from.

Area of application

- Outstanding issue for further discussion.
- A CMM that only applies on the high seas has the potential to create a complex and difficult to assess compliance regime for application and reporting.
- Recognise that FFA members have agreed to minimum license conditions regarding labour standards on vessels licensed to fish in FFA EEZs.

Entities involved and responsibilities

All CCMs should have the necessary legislative or equivalent framework in place to implement the proposed CMM.

Flag State CCMs

- Along the obligations under UNCLOS (UN law of the sea) articles 94. 1 & 3, flag states CCMs will be required to ensure that operators of their flagged vessels fishing within waters under national jurisdiction (and beyond) are compliant with the safety and labour requirements in the CMM. In order to implement the proposed obligations, flag CCMs are expected to put in place legislation, conditions for crewing agents, conditions of fishing authorisation, and relevant procedures to effectively monitor and ensure compliance by their flagged fishing vessels.
- Flag CCMs will be required to report all incidents of serious injury, death, or disappearance of crew to the relevant CCMs and the WCPFC Secretariat regardless of potential non-compliance.
- Flag CCMs must also have arrangements in place to promptly investigate and take the necessary action where there is sufficient evidence of non-compliance and to notify or report to relevant CCMs and the WCPFC Secretariat of actions taken.

Coastal State CCMs

- By granting their authorisation to fish to flagged fishing vessels within and beyond waters under their jurisdiction and foreign fishing vessels within their waters, coastal states CCM are to impose minimal conditions of access that align with the requirements of the CMM.

- Coastal State CCMs would be required to report all incidents in their waters of serious injury, death, or disappearance of crew to the relevant CCMs and the WCPFC Secretariat regardless of potential non-compliance.

Port State CCMs

- Have a role in the inspection and monitoring of fishing vessels in their ports to ensure compliance. Therefore, port State CCMs are expected to monitor, control and report incidents of non-compliance.

Owner/operators

- Primary obligations are to Flag state of the vessel to ensure owner/operator complies.
- Responsibility of owner/operator to provide safe working environment, cooperate in search and rescue, report incidents of non-compliance to flag state, and ensure adequate food, water, shelter.

Crew provider

- Primary obligations are to Flag state to ensure compliance with CMM.
- Crew provider will be responsible for providing contact details of family of crew, contacting family of crew as necessary, cooperating in investigations.

Attachment 2 – Draft CMM as of November 2022



**COMMISSION
NINETEENTH REGULAR SESSION**

Online
xx December 2022

**CONSERVATION AND MANAGEMENT MEASURE ON SAFETY AND
SECURITY FOR CREW ON FISHING VESSELS**

CMM 2022-XX

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

Concerned about ongoing instances of poor labour conditions and mistreatment of crew, including instances of human trafficking, servitude, bonded labour, forced labour and child labour and human rights abuses on board fishing vessels;

Recalling the importance of respect for and protection of the human rights enshrined under the Universal Declaration of Human Rights 1948;

Recalling Articles 6 and 8 the 1995 FAO Code of Conduct for Responsible Fisheries which set out international standards, including the labour standards for the responsible conduct of fishing operations to ensure fair work and living conditions;

Further Recalling Articles 6 and 8 of the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication;

Further Recognizing the obligations in the United Nations Convention on the Law of the Sea (UNCLOS) relating to the duties of the flag State to ensure safety at sea, including through the manning of ships, labour conditions and the training of crews, to render assistance, and to ensure effective protection of human life and to cause an inquiry into any loss of life or serious injury to nationals of another State which has been caused by a marine casualty or incident of navigation.

Noting the 1988 ILO Declaration on Fundamental Principles and Rights at Work and the ILO C188 Work in Fishing Convention, 2007 and its objective to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, accommodation and food, occupational safety and health protection, medical care and social security;

Recalling Article 32 of the Convention on the Rights of the Child, which requires states parties to recognize the Universal Declaration of Human Rights 1948;

Mindful of the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

Acknowledging the important role played by crew members and observers in assisting the conduct of fishing vessel operations in compliance with WCPFC Conservation and Management Measures, and the essential role that crew members and observers play in contributing to effective fishing operations;

Recalling efforts that CCMs have made in recent years in improving the conditions and welfare of observers on board fishing vessels, including the adoption of CMM 2017-03, *Conservation and Management Measures for the Protection of WCPFC Regional Observer Programme Observers*," and acknowledging the equal importance of the welfare of crew members;

Recognising that FFA members have adopted Harmonised Minimum Terms and Conditions for Labour Standards for crew on fishing vessels licensed to fish in their Exclusive Economic Zones and such conditions are applicable to licensed foreign fishing vessels and flagged fishing vessels;

Mindful that CCMs have a legitimate interest in increasing the participation of their labour force in the crewing of vessels that catch highly migratory fish stocks in their waters in the Convention area, and that CCMs are interested in promoting safe and decent employment conditions for their nationals and non-national crew;

Recalling Resolution 2018-01 adopted by WCPFC which encouraged CCMs to implement measures, consistent with generally accepted international minimum standards for crew on fishing vessels, where applicable, to ensure fair working conditions on board for all crew working on fishing vessels flying their flag and operating within the WCPF Convention area;

[Further mindful that Article 8(1) of the Convention requires compatibility of conservations and management measures established for the high seas and those adopted for areas under national jurisdictions;]

[Recalling Article 25(1) of the Convention, which requires each CCM to enforce the provisions of the Convention and any conservation and management measures adopted by the Commission;]_[MS(1)]

Desiring to put in place generally accepted international minimum standards for the responsible conduct of fishing operations:

Adopts the following conservation and management measures in accordance with Article 10 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:

1. CCMs shall ensure that their national legislation applies to all crews¹ working on fishing

¹ Crew includes all persons of any age, on board a fishing vessel.

vessels fishing for highly migratory fish stocks that are authorized to fly their flag [in the areas beyond their own national jurisdictions of the WCPF Convention Area and, where appropriate and applicable, CCMs shall adopt measures into their national legislation to establish minimum standards regulating crew labour conditions,] as provided for in the following paragraphs of this CMM.

[1ter: The following paragraphs apply to vessels fishing for highly migratory fish stocks in the Convention area, except for artisanal small-scale vessels. Coastal CCMs are encouraged to take consistent measures in archipelagic waters and territorial seas and to inform the Commission Secretariat of the relevant measures that they will apply in these waters.]

[Obligations for CCMs of Crew providers] MS(2)

X. CCMs of crew providers shall ensure crew providers who they have jurisdiction of provide crew:

a) Terms of employment, that are enshrined in a written contract or agreement, [CCMs may use the particulars included in the crew agreement as set out in the Attachment as a guideline], which are made available to the crew member, in a form and language that facilitates the employee's understanding of the terms and is agreed by the crew member prior to departure; and

b) Decent and regular remuneration (e.g. monthly) that is accessible by crew that remain at sea for long periods as well as appropriate insurance for the crew]

Fair and safe working conditions on board fishing vessels

2. CCMs shall provide fair and safe working conditions on board for all crew working on fishing vessels authorized to fly their flag and operating within [\[areas beyond their jurisdiction in\]](#) the WCPFC Convention area, including, *inter alia*:

2ter (USA): CCMs shall require owners and operators of their fishing vessels authorized to fly their flag, operating in [\[areas beyond national jurisdiction of\]](#) the Convention area to establish:

- a) A safe working environment where the welfare, occupational safety and health of fishers is effectively protected.
- b) Terms of employment, that are enshrined in a written contract or agreement, [CCMs may use the particulars included in the crew agreement as set out in the Attachment as a guideline], which are made available to the crew member, in a form and language that facilitates the employee's understanding of the terms and is agreed by the crew member prior to departure, signed by both the crew member and the employer;
- c) Decent working and living conditions on board fishing vessels, including access to clean or potable freshwater and food, occupational safety and health protection, medical care, rest periods, and conditions that facilitate minimum standards of health and hygiene which are to be provided by the fishing operator or the owner of the

fishing vessel;

- d) [Crew shall be given a means to transmit all or part of their payments received, including advances, to their families at no cost.] Decent and regular remuneration (e.g. monthly) that is accessible [MS(3)] by crew that remain at sea for long periods as well as appropriate insurance for the crew;
- e) Providing crew members with the reasonable opportunity to disembark, access [MS(4)] their identity documents, terminate the contract of employment, access to communication with [union or workers' rights organization that can render assistance] and seek repatriation. Transportation and other related expenses shall be at the employer's cost in the case that the early termination of the contract is resulted from the employer;
- f) Crew providers² and fishing vessel operators shall make sure crew members are aware of their rights, [access to legal support, and access to a disputes mechanism] [MS(5)] before a contract is signed, and before a crew member embarks on a fishing vessel;
- g) Protection of the health, safety and [morals] [MS(6)] of young persons are fully protected, including ensuring young persons have received adequate specific instruction or vocational training and have completed basic pre-sea safety training;
- h) Crew providers [and vessel owners and operators] shall [make best efforts to] record the contact details of each crew member's next of kin or designated contact person before the crew member embarks on a vessel; and
- i) Promote [sufficient] training for all the fishers working on board [MS(7)]- with consideration to relevant international guidelines and standards, including the regulations set out in the Basic Safety Training for all fishing vessel personnel of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (*STCW-F*).

[3.To ensure crew safety prior to disembarkation, [crew providers] CCMs shall ensure owners and operators:]

- a) Not threaten crew or their family members with denunciation to the authorities or otherwise coerce such workers into taking up or maintaining employment.
- b) Not charge a fee or any cost for recruitment directly or indirectly, in whole or in part, to the crew member.
- c) Not retain or withhold personal documents or other valuable items for the purpose of binding crew to employment.
- d) Ensure that the minimum [MS(8)] age for work on board a fishing vessel shall be consistent with domestic laws of the CCM.

Crew member missing or presumed fallen overboard

² "Crew provider" means any person, company, institution, agency or other organization, in the public or the private sector, which is recruiting crew members on behalf of, or placing crew members with, fishing vessel operators.

3. In the event that a crew member of a fishing vessel, is missing or presumed fallen overboard, the CCM to which the fishing vessel is flagged shall ensure that the operator of the fishing vessel:
 - a) immediately ceases all fishing operations following the commencement of search and rescue efforts;
 - b) immediately commences search and rescue if the crew member is missing, or presumed fallen overboard, and searches for at least 72 hours unless the crew member is found sooner, or unless instructed by the flag CCM to continue searching³;
 - c) immediately notifies the flag CCM and relevant authorities, crew member's next of kin or designated contact person [if known] and crew provider if appropriate;
 - d) immediately alerts other vessels in the vicinity by using all available means of communication;
 - e) cooperates fully in any search and rescue operation;
 - f) provides a report about the incident to the appropriate authorities of the flag CCM; the CCM of the crew provider], [port or coastal CCM if appropriate] and appropriate authorities on the incident;
 - g) cooperates fully in all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing crew member; and
 - h) departs port only upon receiving clearance from the relevant port CCM authorities after the port authority has notified the flag CCM about the departure.

Death of a crew member^[MS(9)]

4. The relevant provisions of paragraph 3 [OR Paragraph 3 (a), (c) and (h)] also apply if a crew member dies. Also, the flag CCM shall require that the operator of the fishing vessel ensure that the body is well-preserved for the purposes of an autopsy, investigation, and repatriation.

Serious illness or injury of a crew member

5. In the event that a crew member suffers from a serious ^[MS(10)]illness or injury that affects the performance of his or her work or safety, the CCM to which the fishing vessel is flagged shall ensure that the operator of the fishing vessel:
 - a) designates at least one crew member among the crew to monitor the crew member;
 - b) Excuses the crew member of any and all active duties, with fair compensation in accordance with national or subnational legislation of the flag state;
 - c) immediately notifies the designated authorities of the flag CCM where the crew member suffers from serious illness of injury which requires immediate medical attention that is not available on board;
 - d) takes all necessary actions to care for the crew member and provide any medical treatment available and possible on board the vessel;
 - e) facilitates the disembarkation and transport of the seriously ill or injured crew member to a medical facility equipped to provide the required care, including if appropriate by transferring the crew member to another vessel operating nearby, as soon as practicable; and

³ In the event of force majeure, flag CCMs may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

- f) cooperates fully in any and all official investigations into the cause of the illness or injury;
 - g) pays for all of the medical treatment, transportation fees and other related expenses if the crew member is sick or injured whilst working on the fishing vessel.
6. For the purposes of paragraphs 3 through 5, the flag CCM shall ensure that the appropriate Maritime Rescue Coordination Centre⁴, the CCM of the crew provider and WCPFC Secretariat are immediately notified.

Assault, intimidation, threat, harassment or forced labour of crew – crew member wants to leave fishing vessel

7. In the event that there are reasonable grounds to believe a crew member's health [MS(11)] and safety are endangered, or that the crew member has been subjected to any forced labour practices, such as having been denied access to potable water, adequate food, toilets, rest, medical attention, or restriction of movement, the CCM to which the fishing vessel is flagged shall ensure that the operator of the fishing vessel:
- a) immediately takes action to preserve the safety of the crew member and mitigate and resolve the situation on board;
 - b) immediately notifies the flag CCM's designated authorities of the situation, including the status and location of the crew member, as soon as possible;
 - c) facilitates the safe disembarkation of the crew member in a manner and place, as agreed by the flag CCM and crew member, including access to any needed medical treatment at the expense of the operator; and
 - d) cooperates fully in any and all official investigations into the incident.
8. If any of the events in paragraphs 3 – 7 occur, port CCMs, shall facilitate entry of the fishing vessel to allow disembarkation of the crew member to the extent possible under national law and, assist in any investigations if so requested by the flag CCM [including by providing access to all crew members remaining on the vessel]

Allegation of assault, harassment, forced labour or lack of remuneration– [MS(12)] reported to port CCM by crew member after disembarkation

9. In the event that, after disembarkation from a fishing vessel a crew member reports to the port CCM an allegation of [assault or harassment] while on board the fishing vessel or lack of remuneration, the port CMM shall notify, in writing, the flag CCM, the CCM of the crew provider in regards to remuneration and the Secretariat. The flag CCM shall:
- a) immediately investigate the allegations, including through information provided by the crew member (and crew provider as relevant), port CCM, and crew on the fishing vessel and take any appropriate action in response to the results of the investigation;
 - b) cooperate fully in any investigation conducted by the [CCM of the crew provider or] port CCM, including providing the flag CCM's investigation report to the crew member provider and CCM; and
 - c) [notify the CCM of the crew provider or port CCM] and the Secretariat of the results

⁴ <http://sarcontacts.info/>

of its investigation and any actions taken^[MS(13).]

Role of CCMs to support investigations into crew incidents

10. In accordance with paragraph 3(d) CCMs shall encourage any authorized High Seas Boarding and Inspection vessels flying their flag to contribute to any search and rescue operation for a crew member from a fishing vessel. CCMs shall also encourage any other vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving a fishing crew member.
11. CCMs shall cooperate and support investigations into incidents related to crew members on fishing vessels, including facilitating evidence from crew providers in their jurisdiction or from their nationals, where possible. This may include ensuring that the relevant crew provider:
 - a) cooperate fully in any search and rescue operation consistent with their recognized search and rescue responsibilities, including providing an up to date crew register;
 - b) cooperate fully in any and all official investigations into any incident involving a crew member where such cooperation is requested;
 - c) subject to national laws, facilitate the disembarkation and replacement of a crew member from a fishing vessel as soon as possible where the crew member has suffered serious illness or injury; and
12. subject to national laws, and the agreement of the crew member, facilitate the disembarkation of a crew member from a fishing vessel as soon as is practicable where there are reasonable grounds to believe a crew member has been assaulted, intimidated, threatened, or harassed, or there are indicators of forced labour^[MS(14)] such that the crew member's health or safety is endangered. CCMs shall advise the Commission (in Part 2 of their Annual Report) on implementation of this CMM, which will then be formally reviewed by the Technical and Compliance Committee as part of the compliance monitoring review process
13. To implement this Measure, developed CCMs are encouraged to make efforts and consider options to assist developing CCMs, both flag CCMs and coastal CCMs, , including working with local industries (which includes crew providers) to help them meet the standards in this Measure.
14. This measure will take effect on 1 January 2023

ATTACHMENT[MS(15)]

PARTICULARS THAT MAY BE INCLUDED IN A CREW AGREEMENT

1. The Crew's family name and other names, date of birth or age, and birthplace;
2. The place at which and date on which the agreement was concluded;
3. The details of the next of Kin in the event of an emergency
4. The name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the Crew undertakes to work;
5. The name of the employer, or fishing vessel owner, or other party to the agreement with the crew;
6. The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
7. The capacity in which the Crew is to be employed or engaged;
8. If possible, the place at which and date on which the Crew is required to report on board for service;
9. The provisions to be supplied to the Crew, any in-kind payments of a limited proportion of the remuneration 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;
10. The termination of the agreement and the conditions thereof, namely:
 - 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 Crew shall be discharged; and
 - 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 fishing vessel owner or other party to the agreement with the Crew;
11. The right of termination by the Crew in the event of mistreatment and abuse, to clearly account for deductions made against the crew member's wages for any in-kind contributions;
12. The protection that will cover the Crew in the event of mistreatment and abuse, sickness, injury or death in connection with service;
13. The amount of paid annual leave or the formula used for calculating leave, where applicable;
14. The health and social benefits coverage and benefits to be provided to the Crew by the employer, fishing vessel owner, or other party or parties to the Crew's work agreement, as applicable;
15. The Crew's entitlement to repatriation.

Attachment 3
Draft 2013-06 Assessment

PRELIMINARY CMM 2013-06 ASSESSMENT ON PROPOSED LABOUR CMM

CMM 2013-06 requires that an assessment of the Impact of new proposals on SIDS and territories be undertaken. In considering any new proposal, the Commission shall apply the following questions to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area.

This CMM 2013-06 assessment of the proposed Labour CMM is provided on a preliminary basis and is without prejudice to the final position of FFA Members on the proposal.

a. Who is required to implement the proposal?

All CCMs are required to implement the proposal. In addition, CCMs will be required to ensure that manning agents and vessel operators comply with specific requirements.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

The proposal will have an impact upon all CCMs, in particular flag CCMs. Flag State CCMs will be required to ensure that operators of their flagged vessels fishing within waters under national jurisdiction (and beyond) are compliant with the safety and labour requirements in the proposal. In order to implement the proposed obligations, flag CCMs are expected to put in place legislation, conditions of authorisation, and relevant procedures to effectively monitor and ensure compliance by their flagged fishing vessels. Flag CCMs are also have arrangements in place to promptly investigate and take the necessary action where there is sufficient evidence of non-compliance and to notify or report to relevant CCMs and the WCPFC Secretariat of actions taken.

Coastal State CCMs are also impacted because when granting their authorisation to fish to flagged fishing vessels within and beyond waters under their jurisdiction and foreign fishing vessels within their waters, they are to impose conditions of access that are aligned with the requirements in the proposed CCMs. Coastal State CCMs are expected to monitor, control and report incidents of non-compliance.

Port State CCMs will also be impacted given that they will have a role in the inspection and monitoring of fishing vessels in their ports to ensure compliance. Therefore, port State CCMs are expected to monitor, control and report incidents of non-compliance.

All CCMs should have the necessary legislative or equivalent framework in place to implement the proposed CMM.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

The proposed CMM (and WCPFC Resolution 2018-01) is unique among RFMOs and there are no linkages with other proposals or instruments in other RFMOs.

Notwithstanding, the proposal is congruous with the minimum terms and conditions for crew labour standards adopted by the governing body of the FFA in 2019. Such terms and conditions are being implemented by FFA Members on their flagged vessels, as well as foreign fishing vessels, including through conditions of licence.

Moreover, the proposal is generally aligned with the requirements in the International Labour Organisation ('ILO') Work in Fishing Convention (C188). The proposal includes particulars that are to be in written crew employment contracts or agreements, as a minimum. At an FFA regional meeting on crewing held in May 2021, the ILO representative at the meeting indicated support for a crew labour standards proposal within the WCPFC and also stated that the ILO is available to provide capacity building support if required. The support that can be provided by the ILO can build capacity and assist in reducing the burden of implementation.

d. Does the proposal affect development opportunities for SIDS?

The proposal is not expected to have a direct effect on SIDS development opportunities; rather there will be an indirect effect on the development opportunities for SIDS because SIDS will be required to implement minimum requirements for crew on fishing vessels. Such requirements will have cost and resource implications.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

The proposal is expected to have an impact on SIDS domestic access to resources (and development aspirations) because the requirement to comply with minimum labour standards for crew on fishing vessels will be treated as a prerequisite for access, and non-compliance with such requirement may result in the imposition of a sanction.

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

For SIDS to effectively implement this proposal, activities to be undertaken for which resources will be required include but are not limited to the following: 1) review of relevant national policies and legislative framework; 2) undertake national multi-agency consultations; 3) undertake national industry consultations; 4) prepare legislative instruments; 5) enhance institutional capacity through trainings; 6) train inspectors, authorised officers and other officials; 7) develop and implement a monitoring regime; and 8) train industry representatives.

g. What mitigation measures are included in the proposal?

There are no mitigation measures included in the proposal.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

There are no assistance mechanisms included in the proposal to avoid a disproportionate burden on SIDS.

CMM 2013-06 provides that in cases where the transfer of a disproportionate burden of conservation action has been demonstrated by a SIDS or territory, CCMs shall cooperate, to mitigate the burden for the implementation by the relevant SIDS and territories of specific obligations including through: 1) phased or delayed implementation of specific obligations; 2) exemption of specific obligations; 3) proportional or rotational implementation; or 4) establishment of a compensatory funding mechanism in accordance with the financial regulations of the Commission.

Attachment 4. Summary of 27 July workshop

The intersessional workgroup on crew labour standards meet virtually on 27 July. Members of the IWG received two presentations regarding various approaches to improving fishing crew labour standards. Mr. Marcelo Hidalgo from Seafood Matter and Mr. Shingo Ota from Organisation for the Promotion of Responsible Tuna Fisheries provided presentations.

Under agenda item 4 CCMs discussed the 3 key areas as outlined by the co-chairs: area of application, roles and responsibilities of entities involved, and status of crew agreement annex.

Regarding the area of application members expressed a range of views. Some CCMs considered that when discussing the safety of crew measures should apply regardless of the vessels location, the same as with observer safety in the WCPO. Consideration of how a CMM would apply to vessels that fish only within a CCMs EEZ was also discussed noting this issue could be accommodated. It was noted that if the CMM applied to both high seas and EEZ that this will create significant work for flag CCMs to ensure the measure is applied to their flagged vessels. Given this and in recognition of the FFA members licensing minimum terms and conditions, some CCMs indicated they were open to discussing a CMM that would apply only on the high seas.

Regarding roles and responsibilities some members noted that the primary responsibility for the enforcement of labour standards is on the flag states. It was also noted that other entities involved such as crew providers have important roles to play. Some CCMs commented that the draft measure required further work to ensure the balance of obligations was achieved between all the entities involved. The role of vessels and CCMs in assisting with high seas boarding and inspection and search and rescue operations was also noted as areas that should be clear. Attendants of the meeting also discussed the importance of defining the roles of entities involved and the critical issues surrounding conditions for crew and rights to repatriation.

Regarding the crew agreement, it was generally agreed that this could remain as a "best practice" list of conditions to be included in a crew agreement and should remain an annex to the CMM.