



**3RD INTERSESSIONAL WORKSHOP ON IMPROVING LABOUR STANDARDS FOR
CREW ON FISHING VESSELS**

**Electronic Meeting
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REVISED DRAFT CMM

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Submitted by the Co-Chairs

¹ This version replaces the draft CMM proposal that was issued on 16 June 2023



COMMISSION
NINETEENTH REGULAR SESSION
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CONSERVATION AND MANAGEMENT MEASURE ON CREW LABOUR
STANDARDS~~SAFETY AND SECURITY FOR CREW ON FISHING VESSELS~~

CMM 2023-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, including for servitude, bonded labour, and forced labour and child labour and other 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 of the 1995 FAO Code of Conduct for Responsible Fisheries which set out international standards, including for the responsible conduct of fishing activities to allow for safe, healthy and fair working and living conditions;

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 Recalling the United Nations Declaration on the Rights of Indigenous Peoples and the right not to be subjected to any discriminatory conditions of labour;

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 ILO Declaration on Fundamental Principles and Rights at Work (1998) 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 state parties

to recognize 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*,¹ and acknowledging the equal importance of the welfare of crew members;

Recognising that FFA members have adopted Harmonised Minimum Terms and Conditions For Access by Fishing Vessels, which include crew employment conditions on fishing vessels licensed to fish in their Exclusive Economic Zones;

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 the Resolution on Labour Standards for Crew on Fishing Vessels 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;

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. ~~[This Measure applies to all fishing vessels fishing]. CCMs shall ensure this Measure applies to all crew working on fishing vessels that are authorized to fly its flag and fish~~ for highly migratory fish stocks in the Convention area ~~[in areas beyond national jurisdiction]~~.
2. ~~In order to give effect to this Measure~~ CCMs are encouraged to make every effort to ~~have~~ ~~ensure that their~~ relevant national legislation ~~which~~ fully extends to all crew¹ working on fishing vessels flying their flag ~~[in the WCPF Convention Area. [in areas beyond national jurisdiction]~~ ~~Where appropriate and applicable, CCMs are encouraged to adopt and adequately enforce this national legislation in regard to minimum standards regulating crew labour conditions. CCMs are further encouraged to identify and prosecute breaches of relevant national laws relating to the treatment of crew by vessel operators, landing fish in their ports or operating in their waters. 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.~~

Commented [MS(1)]: Area of application requires further discussion amongst CCMs

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

3. In order to give effect to this Measure, CCMs may adopt ~~Nothing in this Measure shall prevent a CCM from adopting measures or other~~ legally binding mechanisms, such as licensing conditions, for vessels fishing solely within its exclusive economic zone, ~~which differ from, but are consistent with, those applying in this Measure.~~

Requirements prior to embarkation and minimum working conditions onboard vessels – flag state obligations

4. CCMs shall ~~require~~ ensure that owners and operators of their fishing vessels authorized to fly their flag [~~operating within the WCPF Convention area~~][in areas beyond national jurisdiction], to ~~provide members of crew with:~~
- a) Provide crew members ~~A~~ safe working environment where the welfare, occupational safety and health of crews is effectively protected.
 - b) Ensure that no forced, or any other form of involuntary or compulsory labour, is used on fishing vessels
 - ~~b)c)~~ Provide ~~T~~ terms of employment, that are set out in a written contract or agreement, which is made available to the crew member, in a form and language that facilitates the crew member's understanding of the terms, is agreed by the crew member prior to departure on the fishing trip, and signed by both the crew member and the employer. The written contract, or agreement shall be carried on board and be available to the crew member and, in accordance with national law and practice, to the concerned parties on request. A CCM may use the particulars, including in the crew agreement, as set out in the Attachment as a guideline.
 - ~~e)d)~~ Provide crew members ~~D~~ decent working and living conditions on board fishing vessels, including access to clean or potable freshwater and food², occupational safety and health protection, medical care, rest periods and sleeping quarters, and conditions that facilitate minimum standards of health and hygiene;
 - ~~e)e)~~ Provide crew members ~~D~~ documented decent and regular remuneration (for example monthly or quarterly) that is accessible by crew that remain at sea for long periods as well as appropriate insurance for the crew;
 - ~~e)f)~~ Provide crew members ~~A regular reasonable~~ opportunity to disembark consistent with local laws, ~~to unfettered access to their identity documents, to ability to terminate the contract of employment, to access to communication devices to seek assistance e with an organization that can render assistance to crew and to seek repatriation.~~ Where the early termination of a contract is sought by the employer, transportation and other related expenses shall be the sole responsibility of ~~will be met by~~ the employer. If early termination is the fault of a crew members misconduct, transportation and other related expenses shall be the responsibility of the crew member.

² Food must be in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.

~~g)~~ Full protection of the health and safety and morals of young crew members, including ensuring young crew members have received adequate specific instruction or vocational training and have completed basic pre-sea safety training;

5. CCMs shall require owners and operators of their fishing vessels authorized to fly their flag operating within the WCPF Convention area, to:

- a) Maintain a record of the provided contact details of each crew member's next of kin or designated contact person before the crew member embarks on a vessel; and
- b) Provide onboard safety training and/or instruction~~training~~ for all the crew members working on board the vessel, with consideration given to relevant international guidelines and standards, including where applicable, 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~~ Watch keeping for Fishing Vessel Personnel (*STCW-F*). Owners and operators are encouraged to coordinate training with crew providers.

Crew member death, missing or presumed fallen overboard

~~6.~~ In the event a crew member dies, paragraphs 6(a), (c), (g) and (h) apply and must be reported to the Secretariat. Additionally, the flag CCM shall ~~ensure~~require that the operator of the fishing vessel preserves the ~~ensures that the~~ body ~~is well preserved~~ for the purposes of an autopsy, investigation, and repatriation. Bodies of deceased crew may not be buried at sea.

~~7.6.~~ In the event that a crew member ~~dies~~, is missing or presumed fallen overboard, the flag CCM shall ensure that the operator of the fishing vessel:

- a) [immediately] ceases all fishing operations [as soon as practicable];
- b) immediately notifies the responsible Rescue Coordination Center (RCC) to report the incident time and location and 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 searching;³
- c) immediately notifies the flag CCM and relevant authorities, crew member's next of kin or designated contact person, and crew provider if appropriate;
- d) immediately alerts other vessels in the vicinity regarding the status of the crew member by using all available means of communication;
- e) cooperates fully in any search and rescue operation;

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) provides a report about the incident to the appropriate authorities of the flag CCM and other appropriate authorities on the incident if requested;
- g) cooperates fully in all official investigations, and preserves any potential evidence and the personal effects and quarters if not needed by other crew, of the deceased or missing crew member, and returns to port if so ordered by flag CCM ~~required~~; and
- h) ~~departs~~ if a vessel is required to return to port, it may only depart port only upon receiving clearance from the relevant port CCM authorities after the port authority has notified the flag CCM about the departure.

~~Allegations in respect of~~ Forced labour practices and Mistreatment of crew

~~8.7.~~ In the event that a flag CCM has reasonable grounds to believe, based on port state notifications or information provided by a crew member or other credible information, that a crew member's health and safety is endangered or that a crew member has been subjected to treatment that may indicate forced labour practices [mistreatment]⁴, ~~such as having been denied access to potable water, adequate food, toilets, rest, medical attention, or restriction of movement~~, the flag CCM shall ensure that the owner and 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 provides the flag CCM's designated authorities with a report on the situation, remedies provided, including the status and location of the crew member, as soon as possible;
- c) facilitates the safe disembarkation of the crew member in a manner and place, as agreed by the flag CCM and crew member, including access to any needed medical treatment at the expense of the owner and operator; and
- d) cooperates fully in any and all official investigations into the incident, including by providing access to all crew members remaining on the vessel;

~~9.8.~~ In the event that, after disembarkation from a fishing vessel a crew member reports to the port CCM an allegation of poor labour conditions or mistreatment while on board the fishing vessel, the port CCM shall notify, in writing, the flag CCM, ~~the CCM of the crew provider in regards to remuneration (if known) and~~ the Secretariat. Upon notification, the flag CCM in accordance with Article 25 of the Convention, shall:

- a) ~~immediately~~ investigate the allegations, including through information provided by the crew member (and crew provider where relevant), port CCM, and crew on the fishing vessel and take any appropriate action in response to the results of the investigation; and
- b) cooperate fully in any other investigation conducted, including providing the flag

⁴ The definition of forced labour refers to article 2, ILO C029 Forced Labour Convention

CCM's investigation report to the crew provider and [port](#) CCM.

~~10.9.~~ In the event a port CCM is notified by a flag CCM that a crew member ~~wishes~~ [requests](#) to disembark from a fishing vessel due to poor labour conditions or mistreatment the port CCM shall ~~to the extent possible~~, facilitate entry to port of the fishing vessel to allow disembarkation of the crew member to the extent possible under national law and assist in any investigations if so requested by the flag CCM.

Role of CCMs to support investigations into crew incidents

~~11.10.~~ CCMs shall cooperate and provide support in relation to [cases of forced labour or other crew mistreatment incidents related to crew members](#) on fishing vessels, including facilitating evidence [gathering](#) from crew providers in their jurisdiction or from their nationals, where possible.

~~12.11.~~ 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.

Compliance with Measure

12. CCMs shall advise the Commission (in Part 2 of their Annual Report) on implementation [and enforcement](#) of this Measure through their [relevant](#) national ~~instrument~~ [legislation](#), ~~including with regard to~~, ~~which will then be formally reviewed by the Technical and Compliance Committee as part of the compliance monitoring review process.~~

13. ~~Where appropriate and applicable, CCMs are encouraged to adopt and adequately enforce this national legislation in regard to minimum standards regulating crew labour conditions. CCMs are further encouraged to identify and prosecute breaches of relevant national laws relating to the treatment of crew by vessel operators landing fish in their ports or operating in their waters. 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.~~

~~13.14.~~ This measure will take effect on 1 January, 2025.

ATTACHMENT

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 and address of the employer, or fishing vessel owner, or other party to the agreement with the crew;
- ~~5.~~ 6. Starting date and duration of contract;
- ~~6.~~ 7. The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- ~~7.~~ 8. The capacity in which the Crew is to be employed or engaged;
- ~~8.~~ 9. If possible, the place at which and date on which the Crew is required to report on board for service;
- ~~9.~~ 10. 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, and periodicity and form of payments ;
- ~~10.~~ 11. 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, unless agree by mutual consensus;
 - 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.~~ 12. 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.~~ 13. The protection that will cover the Crew in the event of mistreatment and abuse, sickness, injury or death in connection with service;
- ~~13.~~ 14. The amount of paid annual leave or the formula used for calculating leave, where applicable;
- ~~14.~~ 15. 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;
16. The Crew's entitlement to repatriation and terms of repatriation.
17. Information on crew members rights and access to complaint mechanisms, including a reference to the collective bargaining agreement where applicable;
- ~~15.~~ 18. The minimum periods of rest, in accordance with national laws, regulation or other measures;

19. Contact information for ~~a crew members~~ accessing to legal support, and or access to a disputes mechanism ~~before a contract is signed, and before a crew member embarks on a fishing vessel; and~~
- ~~16.~~20. Full protection of the health and safety and morals of young crew members, including ensuring young crew members have received adequate specific instruction or vocational training and have completed basic pre-sea safety training.