



TECHNICAL AND COMPLIANCE COMMITTEE
Nineteenth Regular Session
20 – 26 September 2023
Pohnpei, Federated States of Micronesia

UPDATE FROM CO-CHAIRS OF LABOUR STANDARDS IWG

WCPFC-TCC19-2023-17
19 September 2023

Submitted by the Co-Chairs of Labour Standards IWG

In December 2020 the Commission agreed that intersessional work to improve crew labour standards be led by Co-Chairs Indonesia and New Zealand. An update was provided to WCPFC18 and a forward workplan agreed. Unfortunately, the IWG session planned for July 2023 had to be postponed due to illness and the IWG was reschedule for 7 September.

This report provides a summary of the rescheduled 7 September IWG session and notes next steps for this work.

The co-chairs would like to thank members of the intersessional working group for their excellent feedback and engagement to-date. We have made important progress over our deliberations and a revised draft of the CMM will be submitted to WCPFC20 for further discussion.

We would also like to thank members and observers for their engagement at the workshop on 7 September. As we noted in our opening of the meeting, we consider the work of this Commission to often be world leading and see labour standards as another area where this Commission can show leadership.

Regarding the IWG discussions on the draft CMM, we note the differing positions on the area of application and importance of this issue to the implementation of labour standards. We recognise this is a critical issue yet to be resolved and look forward to working closely with CCMs to progress this important work.

Kind regards

Putuh Suadela (Indonesia) and Sarah McAvinchey (New Zealand)

WCPFC Labour Standards 7 September 2023: Summary of Discussion

AGENDA ITEM 1. OPENING OF MEETING

Adoption of the Agenda: adopted.

AGENDA ITEM 2. INTRODUCTION OF DRAFT PROPOSED CMM ON LABOUR STANDARDS FOR CREW ON FISHING VESSELS

2.1 Introduction and presentation on the draft proposal, including changes to the proposal based on inputs from the intersessional working group members.

Co-Chair provided a summary of the changes to the draft CMM noting the approach to revisions was to maintain areas where general consensus had been reached, and remove areas that were overly prescriptive. Co-chair noted that the draft CMM therefore addresses the most egregious issues and minimum health and safety issues and leaves a gap for important areas such as serious illness or injury that are likely to be addressed in future.

AGENDA ITEM 3. DISCUSSION ON THE PROPOSED CMM

3.1 Opportunity for all participants to exchange views on the draft CMM.

IWG participants provided detailed comments on the proposed text of the CMM. Due to time the IWG was unable to discuss the full text of the draft CMM. The summary below is organised section by section in the draft measure.

Preamble:

Comments from IWG participants noted more time is needed for domestic review of the preamble to ensure the paragraphs are appropriate for labour standards on fishing vessels. Support for noting the WCPFC resolution on labour standards and the primacy of flag state responsibilities was also noted.

Area of application and giving effect to the measure (paras 1-3):

Co-Chair noted the importance of the area of application and that this Commission needs to lead on this issue. Given divergent views the Co-Chair raised an alternative approach of a staged transition to full implementation as an option for CCMs to consider.

Several CCMs noted issues with domestic vessels that only fish in-zone as needing to be accommodated for in the CMM. Discussion on an alternative which included a narrowed focus on the area of application resulted in 2 alt paragraphs, one to apply on high seas only and one for vessels registered on the WCPFC Record of Fishing Vessels across the convention area. More discussion is needed on these two alternative paragraphs.

Minimum standards required by flag States:

Discussion for this section of the draft CMM focused on how to address crew providers and their role in addressing labour standards, ensuring flag, owner and operator obligations are clear, getting the balance of obligations between employees and employers correct regarding repatriation, consistent use of terms “mistreatment and forced labour”, and how to ensure crew understand their contracts considering language barriers or crew who cannot read.

Regarding crew providers, Co-chair noted the role crew providers play in addressing labour standards and the difficulty with this issue given the countries where the crew providers operate are often not WCPFC members. Further discussion is needed regarding application of the CMM to crew providers.

Crew members missing or presumed overboard:

Discussion on this section of the draft CMM focused on ensuring reporting is clear with well defined timelines, and a suggestion to incorporate components of the observer safety CMM into this section as this is an established CMM.

Other important issues discussed focused on flag state notifications when a crew member is missing or presumed fallen overboard and the potential for the Secretariat to set up a regular reporting mechanism to the IMO, ILO or FAO regarding labour standards issues. The IWG discussed the need for reporting to come from the Secretariat not additional reporting requirements on CCMs.

Finally, the issue of burial at sea was discussed, noting the need to address the appropriateness of this should national laws and proper approval was received by the deceased persons next of kin consistent with national laws.

Forced labour practices and mistreatment of crew

Members discussed how best to support crews ability to access Embassies or Consulates, should they choose to disembark from a vessel while in port, recognising this may be limited in some countries due to lack of Embassies or Consulates. Further discussion is needed to determine the most appropriate way to support crew members which is disembark a vessel when not in their home country.

AGENDA ITEM 4. NEXT STEPS

4.1 Discussion of the way forward including timeline, amendments to the proposal and arrangements for further work in 2023.

The Co-Chair noted that a summary of the IWG meeting would be submitted to TCC. Regarding areas which require further discussion, Co-Chair noted that area of application remains a critical issue to be resolved in the CMM. Co-Chair also noted that labour standards is an important issue across the world and encouraged members to think about how CCMs might address the issues of area of application. Finally, it was noted that a revised CMM would be submitted to the Commission and the Co-Chairs look forward to further engagement at WCPFC20.