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**ASSOCIATION FOR PROFESSIONAL OBSERVERS - INTERNATIONAL
OBSERVER BILL OF RIGHTS**

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Association for Professional Observers

Best Practice Guidelines for Responsible Observer Programmes



Mission of the APO

The Association for Professional Observers (APO) is a non-profit, non-governmental organization whose mission is to strengthen observer programs through advocacy and education. Our goal is to facilitate the exchange of fisheries information while providing an important source of fisheries observer program and fisheries observer data-use information. It is our intention that the results of our activities may encourage the recruitment and retention of professional observers and foster the best quality observer data for the purposes of conservation and the responsible management of marine living resources.

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INTERNATIONAL OBSERVER BILL OF RIGHTS - A GUIDE TO THE HEALTH, SAFETY, WELFARE AND PROFESSIONALISM OF OBSERVERS

The original Observer Bill of Rights (OBR) was published in 2000 as the product of a workshop and panel session held at the Canada - US Fisheries Observer Programme Workshop, St. John's, Newfoundland, Canada (Anon. 2001), which was the second conference in the International Fisheries Observer and Monitoring Conference (IFOMC) series. The original drafters included active and former observers who felt that the managing agencies and employers were in need of best-practice guidelines in order to enhance and maintain a professional corps of observers. The Observer Professionalism Working Group (OPWG) was initiated at the 5th IFOMC in 2007 (McVea and Kennelly 2007), using elements of the OBR for its workshops and resulting documents (Davis and Quelch 2008). The OBR was last modified in the 5th IFOMC proceedings (McVea and Kennelly 2007). The current version widens the scope of the document to the ever-increasing corps of observers worldwide. The IOBR has been developed to clearly delineate the employment and human rights of the observer. It is complemented by the provisions of the Code of Conduct for Responsible Observer Programmes - Observer Health and Safety (CCROP-HS) and Stakeholder Responsibilities (CCROP-SR). A standard list of definitions is used for referencing these documents (CCROP-SR, Glossary). The two supplemental CCROP documents detail what is required to implement the IOBR. These documents do not intend to supersede any existing international, regional, national, state/provincial or local law or observer programme requirements, which may be more extensive or restrictive. All observer rights are equal and shall not be construed to deny or disparage other rights retained by the observers.

This International Observer Bill of Rights (IOBR) was modified in collaboration with current and former members from the Association for Professional Observers (APO) and the OPWG, as well as input received in association with the 7th IFOMC¹ (150 delegates from 27 countries), held in Viña del Mar, Chile, April 8-12, 2013. These documents were distributed for public comment to over 1200 stakeholders internationally from February 2013 until August 2013. Venues for outreach were the APO Mail List, APO Facebook Group, the 7th IFOMC Steering Committee, and targeted mail lists of additional public stakeholders.

The APO has agreed to be custodian of this document² and associated CCROP-HS and CCROP-SR documents. These documents will be modified biennially with stakeholder input. For enquiries, comments, contributions and updates, please contact the IOBR Team: E-mail: ioibr@apo-observers.org; Web: <http://www.apo-observers.org/billofrights>.

¹ <http://www.ifomc.com>

² Suggested citation: International Observer Bill of Rights (IOBR) [Internet]. Association for Professional Observers (APO): The International Observer Bill of Rights and Codes of Conduct for Responsible Observer Programmes. Version 1.0. September 2013. Available from: <http://www.apo-observers.org/billofrights>.

Introduction

An 'observer' is a person who is authorised by a regulatory authority to collect information in the field (either at sea or on shore) to support sustainable aquatic resource management. The observer must be financially independent of the industry being monitored (CCROP-SR, Section V). Observers generally do not have enforcement powers but their duties often involve the collection of enforcement related information. There are many titles associated with the observer profession, some of which do not have the word "observer" in the title (such as monitor, fisheries assistant, inspector, and sampler). For the purposes of this document, the term "observer" is inclusive of several analogous positions under the monitoring, compliance and surveillance (MCS) umbrella (Flewwelling 1994, Flewwelling *et al.* 2002).

Observers are tasked with a wide range of duties that are primarily related to commercial fishing, although other industries impacting the ocean environment may be monitored as well. Observer programmes typically have a multitude of objectives ranging from science to compliance and frequently a combination of both (Davies and Reynolds 2002). Observers are typically either hired by third party contractual agreements or directly by a government regulatory authority. However, sometimes observers are hired as independent contractors. Regardless of employer, observers generally work independently and unsupervised in an isolated and sometimes contentious environment and a variety of entities may negatively impact their ability to complete their duties. The intent of these documents is to establish international standards that programmes can strive toward and to clarify and harmonise observer terms of reference. Standard terms of reference relating to professional levels of observers would make it easier for an observer to transfer their expertise and clarify the technological level of data collected in a programme for data end-users.

Article I: Employment Terms

- I. Observers have the right to a written contract that clearly defines employment terms (CCROP-SR, Section III(9)), including:
 1. Position level as it relates to qualifications, competencies, responsibilities and types of data collected;
 2. Hiring, promotion, probation, demotion and firing criteria;
 3. Health, life, and disability insurance terms (IOBR Article III(3));
 4. Wage linked with observer experience, performance, position, and location; segregated by different components of observer employment;
 5. Employment leave terms (including holiday/vacation, bereavement, medical and employment re-entry terms);
 6. Retirement package terms;
 7. Protocols for deployment and field support of observers (*e.g.* travel logistics and documents, cash, gear, food, accommodations and medical needs), in the field and during briefings, trainings, debriefings, and during standby intervals;

8. Specify payment interval frequency and disclose any payroll deduction types (e.g. expenses, cash advances, and taxes);
9. Observer gear and equipment requirements and maintenance;
10. Protocols that ensure safe and healthy working conditions (CCROP-HS Section IV);
11. Communications and Emergency action plan: protocols for helping and/or rescuing observers from emergency situations, including interference, harassment or assault scenarios (CCROP-HS Section IV(7));
12. Performance evaluation criteria and frequency;
13. Employer's Plan of Action for observer's professional development;
14. Professional stakeholder *Codes of Conduct* (CCROP-SR).

Article II: Fair and Equitable Employment

II. Observers have a right to non-discriminatory, fair and equitable employment, including:

1. Work environment free of discrimination based on factors such as gender, ethnicity, race, spiritual beliefs, age, class, sexual orientation, nationality or political activities;
2. Equal opportunity grievance procedure available at no cost to the observer. Grievance procedures must be independent of observer programme and observer employer influence and include an appeal process. Employers and observer programmes must specify the equal opportunity grievance procedures as part of a labour agreement and must comply with national labour law;
3. Transparent and unbiased protocols used to select individual observers for a given deployment;
4. Performance evaluations that are transparent to the observer, part of the debriefing process and include criteria used by both the observer programme and employer. Observer programmes and employers shall afford a system of warnings within their performance evaluations that allow the observer the option of appealing the evaluation or make the necessary changes to return to good standing with the programme and the employer;
5. Fair labour standards for observers at both the observer programme and observer employer level. Reviews of programme and observer employer adherence to fair labour standards must be regularly performed, be transparent, independent and easily accessible to new and former observers;
6. No employer may, without cause, fire, demote or restrict an observer from employment opportunities. The employer shall clearly support any termination of an observer's employment with both observer programme and observer employer policies and documentation, stated in the observers' employment contract and in accordance with national labour laws.

Article III: Competitive Wage Package

III. Observers have a right to a competitive wage package commensurate with positions requiring similar duties and educational background (IOBR Article I;

CCROP-SR Section III (9, 10, 11 and 14)). Financial independence from the monitored industry is crucial. A competitive wage package includes, but is not limited to:

1. Step-based pay system that acknowledges different observer levels (defined by variations in duties, responsibilities) and encourages experience and work performance that meets or exceeds expectations;
2. Transferability of observer credit (experience) for purposes of financial compensation from one programme to the next, regardless of employer;
3. Insurance coverage, with consideration for coverage being equivalent to observer field (sea) time, and consideration of a national or group pool to decrease cost, including:
 - i. Basic health coverage provided for employment period;
 - ii. Options for year round (comprehensive, beyond employment/during stand-by periods) health coverage;
 - iii. Life insurance, which provides compensation to a named beneficiary in case of death;
 - iv. Disability insurance; for long-term, cumulative injury arising from work related injuries that were not originally detected during the work such as back problems, knee failure, lung problems;
4. Retirement package options;
5. Shore-based work alternatives for older observers and those who experience disabilities resulting from their observer careers;
6. Leave remuneration including compensation options that acknowledge leave-time needs (e.g. vacations and holidays) between deployments;
7. Payment for all time awaiting deployment, between deployments or waiting to be debriefed.

Article IV: Health and Safety

IV. Observers have a right to a working environment with minimal health and safety risks (See CCROP-HS), including:

1. Ability to conduct duties free from assault, harassment, interference or bribery (CCROP-HS Section III(2)(A)(xii) and (E)(iii) and Section IV(1); CCROP-SR Section I(2 and 3), Section II(1)(E), (3)(B), (14, 17 and 20), Section III(3)(A and B), (13, 14, 16 and 17), Section IV, Section V(10 and 11);
2. Right to refuse an assignment without negative repercussions, with documentation of reason. Observer programmes or employers shall not require observers to address any vessel inadequacies that cause vessel refusal (CCROP-SR Section III(13) and Section IV (7, 8); CCROP-HS Section IV);
3. National/international protocol developed for checking minimum compulsory safety and emergency-action equipment prior to each deployment (e.g. pre-deployment checklist, CCROP-HS, Box 2). Protocol must also include documentation of vessel refusal, follow-up actions taken by appropriate regulatory authority and observer employer (if different) to address any safety or accommodation issues and how any shortfalls were resolved prior to placement of subsequent observer;
4. Development and enforcement of laws protecting observer health and welfare;

5. Established minimum standards for adequate accommodation for an observer deployment appropriate to the size of the monitored entity and equivalent to that of the officers of the monitored entity (CCROP-HS Section IV (4); CCROP-SR Section 1(3), Section II (3)(B), Section III (13 and 17) IV(13, 14 and 17);
6. Transparency (especially available to observers) of safety and welfare reports from previous observer deployments (especially on refused assignments). Include accountability report, with follow-up and actions taken to rectify problem;
7. Minimum health and safety training standards, safety protocols and that are programme-specific. (CCROP-HS Section III and IV);
8. Communication protocols and emergency action plan (CCROP-HS Section IV (5 and 7)).

Article V: Regulatory Authority, Observer Programme and Observer Employer Support

V. Observers have the right to regulatory authority, observer programme, observer employer and monitored entity support, including:

1. Regular communication between observer programme/employers and the observer while they are deployed (CCROP-HS Section IV(7); CCROP-SR Section II(1)(B) and Section IV(11));
2. Assessment and attendance to observers' health and welfare status, including mental health (CCROP-HS Section I(2) and Section IV(8); CCROP-SR Section II(14 and 17), Section III(14,16 and 17), and Section IV);
3. Face-to-face debriefings (CCROP-SR Section II(17));
4. Adequate break time between deployments (CCROP-HS Section I(2)(C) and Section IV(6 and 8); CCROP-SR Section III(14));
5. Debriefings and performance evaluations by observer programme personnel who are experienced in data collection from the resource they are monitoring (CCROP-SR Section II(14)).

Article VI: Stakeholder Integrity, Responsibility and Programme Transparency

VI. Observers have a right to stakeholder integrity and programme transparency (See CCROP-SR), including but not limited to:

1. Financial independence of observer, observer employer and observer programme from monitored entity is crucial (CCROP-SR Section I(1), Section, II(3)(A), Section III(4), Section IV(15) and (16)(B) and Section V(3, 10 and 11));
2. Institutionalised whistle-blower rights for observers with a third party for observers to address both employer and observer programme issues;
3. Minimum data collection and debriefing standards that ensure the objectives of the programme are met and accounted at a prescribed level of quality;
4. Enforceable *Codes of Conduct* for stakeholders that support the integrity of all levels of the observer programme (CCROP-SR Section 1(1));
5. Transparency of observer programme statistics that allow comparison of programme, including retention rates and actual deployment/employment rates.

Article VII: Professional Development

VII. Observers have a right to professional development, including but not limited to:

1. Acknowledgment of individual observers for their contribution to science and resource management through credit in publications and support of their attendance at observer programme conferences and workshops;
2. Inclusion of observers and observers' perspective in observer programme decision-making processes that impact the observer's work environment (CCROP-SR Section I(1), II(1)(C), (6, 17);
3. Connection with data users through workshops, presentations and programme libraries of reports based on data collected by observers and make these easily available to observers (CCROP-SR II(19);
4. Certificate or training endorsements that documents additional training and use of special sampling equipment, skill level obtained and information about the project (CCROP-SR Section II(18), Section III (3)(D), (5 and 15).

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CODE OF CONDUCT FOR RESPONSIBLE OBSERVER PROGRAMMES – STAKEHOLDER RESPONSIBILITIES (CCROP-SR)

Introduction

Detailed, systematic and comparable fisheries information is important to strengthening fisheries management schemes (DeYoung 2007). Observer programmes provide the best source of independent data in support of sustainable fisheries management (Babcock *et al.* 2003, WWF UK 2006). This document is global in scope but does not intend to supersede any existing international, regional, national, state / provincial or local law or observer programme requirements which may be more extensive or restrictive.

Observers have an important role to maintain as professional scientists. To become a 'qualified' observer, one needs sufficient understanding of the science behind the management of the resources being monitored and time to learn their duties. Observers need to develop good judgment in carrying out those duties, adhering to professional standards of conduct, and adapting to the rigors of a hazardous working environment. Multiple stakeholders are responsible for the various components of an observers' work environment. For the purposes of this document, observer programme stakeholders are categorised by the titles *Regulatory Authority*, *Observer Programme*, *Employer*, *Monitored Entity*, and *Observer*. The intent of this document is to provide explicit guidance regarding the responsibilities of each of these stakeholder groups.

This document supplements and complements the provisions in the International Observer Bill of Rights ([IOBR](#)) and Code of Conduct for Responsible Observer Programs – Observer Health and Safety ([CCROP-HS](#)). A standard list of definitions is used for referencing these documents (CCROP-SR, Glossary). These documents were distributed for public comment to over 1200 stakeholders internationally from February 2013 until August 2013. Venues for outreach were the Association for Professional Observers (APO) Mail List, APO Facebook Group, the 7th International Fisheries Observer and Monitoring Conference (IFOMC) Steering Committee, and targeted mail lists of additional public stakeholders.

The APO has agreed to be custodian of this document³ and associated IOBR and CCROP-HS. These documents will be modified biennially with stakeholder input. For enquiries, comments, contributions and updates, please contact the IOBR Team: E-mail: iobr@apo-observers.org; Web: <http://www.apo-observers.org/billofrights>.

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Section I: Regulatory Authority

- I. Regulatory authorities must:
 1. Have the power and ability to implement and enforce these stakeholder *Codes of Conduct*, including regular independent reviews to evaluate stakeholders' performance in terms of achieving programme goals, meeting objectives and implementing protocols that result in the programme's intended purpose. Evaluations shall include input from observers;
 2. Consistent with the International Plan of Action on Illegal, Unreported and Unregulated (IPOA IUU) fishing (FAO 2001), uphold (through policy, procedure, and accountability) that any Monitored Entity that engages in IUU fishing, or engages in business or trading in fish or fish products derived from IUU fishing, which involves interference with an observer, must be submitted for inclusion on IUU lists according to appropriate Regulatory Authority (e.g. RFMO) procedures and criteria (CCROP-SR Section IV(15));
 3. Ensure (through policy, procedure and accountability) that IOBR, CCROP-HS, and CCROP-SR are upheld.

Section II: Observer Programme

Note: 'Observer Programme' and 'Observer Employer' may be the same; in such cases, consider both Sections II and III.

- II. Observer programme shall:
 1. Clearly define, enforce, make transparent (to all observer programme stakeholders), and regularly update:
 - A. The responsibilities of all programme stakeholders (Davies and Reynolds 2002);
 - B. A structure of inter-stakeholder communication protocols and stakeholder accountability, including regular communications (e.g. radio, e-mail) between observer and programme/employer (CCROP-HS Section IV(7));
 - C. Observer employer approval process (e.g. certification, permit, contract award), including: criteria for annual evaluation of observer employer performance, with inclusion of observers' grievances, input and evaluation; protocols for monitoring and reporting of observer employer performance; and, a system of fining or suspending observer employer contracts for failing to meet observer employer performance standards (U.S. Dept. of Commerce 2004);
 - D. Objectives, terms, and expectations of observers' employment, including but not limited to:
 - i) Define applicant eligibility criteria (including applicable 'waiver' criteria) for who a 'qualified observer' is; competency testing standards; professional standards of conduct; and, indicators for evaluating work performance;
 - ii) What factors determine 'quality observer data';
 - iii) Parameters for levels of observers (e.g. 'junior', 'senior'; 'level 1', 'level 2');

- iv) How and when tools and strategies such as Electronic Monitoring (EM), Electronic Reporting (ER), industry self-monitoring (NMFS 2013) may be utilised as an alternative to a 'qualified' observer;
- E. Terms of conduct with regards to reporting assault, harassment (*e.g.* sexual, racial), interference or bribery and enforcement of offenses; and associated trainings and emergency action protocols, particularly in the context of the remote nature of much of observer work (*e.g.* aboard fishing vessels);
- F. Criteria that constitutes a 'bribe'; a 'gift' vs. a 'provision'; and acceptable 'gifts' exchanged between stakeholders;
- G. All activities among stakeholders that constitute a conflict of interest or perceived conflict of interest, and the associated policies and procedures in place to guard against conflict of interest;
- 2. Not engage in an activity that may give rise to the appearance of a conflict of interest that could cause a reasonable person to question the impartiality, fairness or objectivity with which the observer programme is administered;
- 3. Develop policy, procedures, and accountability measures to:
 - A. Ensure that observers, observer employer staff and observer programme staff maintain financial independence from monitored entities; that all interests in the employment of observers are free from conflicting financial and personal interests that could jeopardise the objectivity of observer services or the fair and equitable treatment of observers; including a system for separating industry funding of observer programmes from observer payment (MRAG Americas Inc. 2000);
 - B. Require the observers' right to a safe and healthy working environment (CCROP-HS and IOBR Article IV); C. Uphold observers' right to 'Observer Programme Support' (IOBR Article V); D. Protect and support observers right to professional development, such as a plan of action that outlines how quality data collection and long-term retention of observers is encouraged (IOBR Article VII);
- 4. Develop and implement statistically valid, unbiased monitored entity selection procedures;
- 5. Ensure deployment and post-deployment support (CCROP-HS Section IV);
- 6. Seek feedback from observer workforce after every assignment; describing their evaluation of all stages (*e.g.* briefing, training, deployment, debriefing, stand-by) of their employment, including information on equity issues that may be linked to specific social groups; and, produce annual reports (available to observers) regarding observer feedback;
- 7. Explicitly specify what compliance monitoring duties the observer has with the monitored entity and the observer;
- 8. Maintain awareness of how other programmes define observer employment, their successes, limitations and pitfalls; and share information with other programmes on successful practices, limitations and pitfalls;
- 9. Harmonise on principles with other programmes wherever possible;
- 10. Guard against the issuance of eligibility 'waivers' and like practices leading to real or perceived double-standards;

11. Unclear standards (e.g. eligibility) can have negative impacts on the morale of an observer workforce, on the credibility of the observer data and the integrity of the programme;
12. Require observer candidates complete and pass an observer training demonstrating their competency of core training modules (McVea and Kennelly 2007)⁴ and hands-on safety competency components before being authorised to work as an observer (CCROP-HS Section III(3));
13. Make certain that any entity facilitating observer training has the qualifications and infrastructure to provide training at prescribed standards and evaluate competencies and performance at prescribed levels of quality;
14. Ensure training elements are supported by training materials (e.g. training manual, species identification guides) that detail subject matter and can be fully accessed by observers while working;
15. Ensure that debriefings and performance evaluations are conducted by observer programme personnel who are experienced in data collection from the resources being monitored;
16. Ensure options for mental health counselling are provided, including crisis intervention and drug and alcohol counselling, independent of observer programme or observer employer that allow observers to freely address psychological stresses of the job. If there is indication of a mental health or alcohol or drug problem, counselling is required (CCROP-HS Section IV(8));
17. Develop a pre-deployment safety inspection checklist appropriate to the class of vessels or worksites to be monitored and establish minimum requirements for assignment refusal (IOBR Article IV(3) and CCROP-HS Section III(2)(E)(vi) and Section IV (1)(B) and (2)(B));
18. Ensure observers are provided with sampling and safety gear appropriate to the assignment (CCROP-HS Section IV(9)) ;
19. Ensure face-to-face debriefing of observers;
20. Develop observer performance evaluation criteria and conduct observer performance evaluations that are reported back to observers (in written form) as part of the debriefing process and prior to next deployment;
21. Ensure observer collected data is accessible to the public in a usable format;
22. Ensure (through policy, procedures, and accountability) that IOBR, CCROP-HS, and CCROP-SR are upheld with regards to defining and enforcing the responsibilities of Observer Employer, Monitored Entity and Observer stakeholders.

Section III: Observer Employer

Note: 'Observer Programme' and 'Observer Employer' may be the same; in such cases, consider both sections II and III.

⁴ See 5th Conference Observer Training Work Group 'core' and 'enhanced' training programme elements.

III. Observer Employer should:

1. Uphold and protect observers' right to 'Fair and Equitable Employment' (IOBR Article II), with policy and accountability measures;
2. Enact policies to foster social equity in all stages and levels of observer employment, including:
 - A. Ensure accountable resources are set aside to promote social equity;
 - B. Establish protocols for including underrepresented social groups in employment recruitment;
 - C. Ensure gender balance and sensitivity in: employee applicant screenings – such as, medical examinations that determine aptitude for work; trainings (e.g. life at sea, conflict scenarios); and, deployment (e.g. competitive wage package; accommodations, including bathing facilities);
3. With policy and accountability measures, protect and support observers' right to:
 - A. A safe and healthy working environment (CCROP-HS and IOBR Article IV);
 - B. 'Observer Employer Support' (IOBR Article V);
 - C. A competitive wage package (IOBR Article III); D. 'Professional Development' (IOBR Article VII);
4. Not engage in an activity that may give rise to the appearance of a conflict of interest that could cause a reasonable person to question the impartiality, fairness or objectivity with which the observer programme is administered;
5. Only deploy observers who have been trained and supported according to observer programme standards of conduct.
6. Guard against discrimination due to industry's selection requests for or against individual employees; and, ensure that selection preferences act to retain experience among qualified employees, and that less experienced employees are not favoured due to less compensation projections;
7. Support statistically valid, unbiased observer deployment procedures for monitored entities;
8. Develop and implement non-discriminatory observer placement procedures; after being 'selected' to have an observer, ensure that monitored entity (company or personnel) cannot influence observer(s) selection and that observer(s) cannot select specific monitored entity;
9. Clearly define observer employment terms by way of written contract with observer employees (IOBR Article I).
10. Provide transparent standards and procedures for regularly scheduled payment including itemised deductions where appropriate;
11. Provide for medical examinations or 'physicals' pertinent to the specific work of observers, to be completed by the observer prior to deployment (CCROP-HS Section I);
12. While protecting employee privacy, collect observer employment data (from employee recruitment to exit) disaggregated by social factors such as gender, ethnicity, age, class, etc., with policy and accountability measures;
13. Uphold and protect observers' right to refuse an assignment with documentation of reason and without negative repercussions or requirement that the observer address

the issue (IOBR Article IV(2) and CCROP-HS Section IV (2)(B)). In any case that a monitored entity breaches the guidelines of observer programme and/or observer employer (especially with regards to observer health, safety and general welfare), the observer employer shall remove the observer(s). Henceforth, the observer employer shall submit a full report to that monitored entity. The observer employer shall only provide a replacement Observer when the issue(s) surrounding observer refusal or removal event has been satisfactorily resolved;

14. Ensure adequate break time between deployments and deployment notice (CCROP-HS Section I(2)(C) and Section IV(6) and (8));
15. Conduct observer performance evaluations that are reported back to observers (in written form) as part of the debriefing process and prior to next deployment;
16. Communicate with the Observer Programme within 24 hours any reports or investigation of:
 - A. Violations observed;
 - B. Refusals of vessels for any reason;
 - C. Assault, harassment, interference or bribery attempts reported by observer;
 - D. Injuries;
 - E. Observer misconduct;
17. Ensure (through policy, procedures and accountability) CCROP-SR, CCROP-HS and IOBR are upheld with regards to defining and enforcing the responsibilities for Monitored Entity and Observer stakeholders.

Section IV: Monitored Entity

IV. Monitored Entity shall:

1. Ensure that masters/managers, crew and owners of the monitored entity do not obstruct, intimidate, harass, assault, interfere with, influence, bribe or attempt to bribe an assigned observer (IOBR Article IV(1));
2. Take appropriate measures within competence to ensure to the extent possible that any observer designated by observer employer and/or observer programme will be allowed on board/premises to observe and report on monitored entity activities, as agreed upon;
3. Ensure that master/manager of monitored entity shall accept deployment of observers on-board/on-site without regard to, inter alia, observer gender, ethnicity, race, spiritual beliefs, age, class, sexual preference, nationality, or political activities;
4. When operating a vessel, ensure personnel comply with the stability report or stability guidelines;
5. Take steps as are necessary, including the instruction of its on-board/on-site master(s)/manager(s) to assist in the prompt, efficient and safe embarkations and disembarkations of observers (CCROP-HS Section IV(3));
6. Acknowledge and respect observers' right to refuse an assignment (IOBR Article IV(2) and CCROP-HS Section IV(1)(B));

7. Acknowledge and support that, prior to deployment, observers shall conduct a (pre-deployment) safety inspections and a familiarisation tour of monitored entity (CCROP-HS Section IV(2)(B) and IOBR Article IV(2 and 3));
8. Acknowledge and support that the observer employer may need to recover the observer from monitored entity at any time during the deployment period. Replacement of an observer prior to the completion of deployment may become necessary, for example in the following circumstances (this list is provided for guidance only and is not exhaustive) (ICCAT 2007):
 - A. The observer needs urgent medical attention that is unavailable on monitored entity or is injured or ill to the extent they are prevented from performing their duties for the remainder of their intended/planned deployment;
 - B. As a result of an unforeseen family emergency involving the Observer (*e.g.* death or serious illness of a close member of the observer's family);
9. Allow observers access to monitored entity personnel and to gear and equipment pertinent to their duties or maintaining their safety;
10. Allow, upon request, observer access to the following equipment, if present on monitored entity to which they are assigned, in order to facilitate the carrying out of their duties:
 - A. Satellite navigation and communications equipment;
 - B. Radar display viewing screens when in use;
 - C. Electronic means of communication (*e.g.* email, fax);
11. Amply inform observer(s) according to observer programme policy, of all monitored entity activity plans pertinent to performance of their duties;
12. Provide observer(s) with accommodations, according to the minimum standards listed in CCROP-HS Section IV(4) (IOBR Article IV(5));
13. Provide observer(s) with adequate space for completing clerical work, as well as adequate space and accommodations for carrying out their field duties (*e.g.* on deck, in factory);
14. Not engage in an activity that may give rise to the appearance of a conflict of interest that could cause a reasonable person to question the impartiality, fairness or objectivity with which the observer programme is administered (*See above - Section II(3)(A)*);
15. Acknowledge that:
 - A. Any Monitored Entity that engages in IUU fishing or engages in business or trading in fish or fish products derived from IUU fishing involving interference with an observer, must be submitted for inclusion on IUU lists according to appropriate Regulatory Authority (*e.g.* RFMO) procedures and criteria; and,
 - B. A *Monitored Entity* is presumed to have carried out IUU fishing activities - consistent with the IPOA on IUU fishing, when an observer programme stakeholder presents documented information that such activity has occurred, including having:
 - i) Interfered in any way with an observer that prevents the observer from recording or reporting according to the observer's duties, consistent with conservation and management measures;

- ii) Coerced, bribed, attempted to bribe, or otherwise influenced an observer to make false reports, or;
 - iii) Engaged in any other activities that undermine the provisions of the regulatory authority, convention, observer programme or any other conservation measures; including the proper function and engagement of observers;
16. Acknowledge that in the event the monitored entity breaches agreements with observer programme/observer employer, the observer employer shall remove the observer. In such circumstances the monitored entity will take such steps as necessary for the prompt, efficient and safe recovery of the observer, including cooperation with the observer employer. In such a situation, the observer employer shall submit a full report to the monitored entity and observer programme. The observer employer shall only provide a replacement Observer when the issue(s) surrounding the event has been satisfactorily resolved.

Section V: Observer

V. Observer shall:

1. Provide proof of medical and physical employment criteria as defined in CCROP-HS Section I;
2. Maintain professionalism in work; attempt at all times to have a professional and courteous relationship with industry and monitored entity personnel; and, avoid behaving in a manner that could adversely affect the public confidence in the integrity of the observer programme, the observer employer, the data provided or other observers;
3. Maintain independence at all times and shall report any attempt to compromise their independence; including attempts to assault, harass, bribe, or interfere with their duties;
4. Adhere to all safety guidelines set forth by their observer programme; including appropriate knowledge and use of safety gear and performance of safety checks during their deployment (CCROP-HS);
5. Ensure that they do not hinder or interfere with the proper functioning of their assigned monitored entity; observers will respect all property and equipment and living space on board/at monitored entity, including documents, logbooks and activity plans and shall respect the safety, sanitary rules, chains of command, and regular functions of their assigned monitored entity;
6. Recognise that observers are not law enforcement officers but shall be firm, fair and tactful in giving official notice of potential compliance issues to monitored entity. Observers do not possess the authority to direct any monitored entity function (Dietrich *et al.* 2012);
7. Diligently perform assigned duties as described by their observer programme and as described in observer programme resources (*e.g.* manuals);
8. Accurately record their data, write complete reports and report accurately and honestly any observations of suspected violations. Truthfully follow scientific protocols as prescribed; if data are not known, record as such;

9. Preserve the confidentiality of the collected data and observations made during their employment; Observers shall ensure that data and information collected are kept secure and confidential at all times, and are not disclosed to any person who is not approved by their observer programme;
10. Expressly refrain from any illegal actions or activities. This includes, but is not limited to:
 - A. Engaging in the use or distribution of illegal substances;
 - B. Soliciting or accepting, directly or indirectly, any bribes from anyone who has interest(s) that may be substantially affected by the performance or non-performance of the observers' official duties. Soliciting or accepting, directly or indirectly, bribes in money or kind (*e.g.* gratuity, gifts, favours, loan, and future job opportunities) from anyone who has interest(s) that may be substantially affected by performance or non-performance (neglect) of the observer's official duties, before or after deployment;
11. Not engage in an activity that would compromise their independence or give rise to the appearance of a conflict of interest that could: cause a reasonable person to question the impartiality, fairness or objectivity with which the observer programme is administered; significantly impair the observer's ability to perform his/her duties; or, adversely affect the overall image observers, programme, employers, their accomplishments or missions. Observers may not:
 - A. Select their monitored entity;
 - B. Have direct financial interest in the monitored industry, other than the provision of observer services including, but not limited to, monitored entity(s) involved in the catching, processing, transport of the products of the industry; otherwise impacting living aquatic resources; companies selling supplies or services to at-sea or dockside locations; or companies purchasing raw or processed products from monitored entities;
 - C. Serve as observers of any monitored entity owned or operated by a person who previously employed the observer in any capacity;
 - D. Solicit or accept employment as a crew member or an employee of the monitored entity in any fishery while employed as an observer;
 - E. Engage in physical or emotional relationships (including but not limited to sexual contact) with monitored entity personnel;
 - F. Engage in drinking of alcoholic beverages while on duty or engaging in excessive drinking of alcoholic beverages at any time (note: if the monitored entity maintains a stricter alcoholic beverage policy for its employees, then the observers should comply with that policy);
 - G. Serve as an observer for periods of time that would lead to excessive familiarity with a monitored entity.

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CODE OF CONDUCT FOR RESPONSIBLE OBSERVER PROGRAMMES – OBSERVER HEALTH AND SAFETY (CCROP-HS)

Introduction

Observer programmes are tasked with monitoring aquatic resources which provide a vital source of food, employment, recreation, trade and economic well-being for people throughout the world, both for present and future generations and should therefore be conducted in a responsible manner. This document is global in scope but does not intend to supersede any existing international, regional, national, state / provincial or local law or observer programme requirements which may be more extensive or restrictive.

Recognising that fishing is considered to be the world's most dangerous occupation, with more than 24,000 casualties per year (International Labour Organisation 1999) and observers are deployed to a wide range of entities, the intent of this document is to provide regulatory authorities and observer programmes with a set of international standards for responsible practices with a view toward minimising the health and safety risks to observers during their employment. The concept of this document draws from previous guidelines for the development of observer programmes (van Helvoort 1986; Davies and Reynolds 2002) and was further developed by the Observer Safety Working group in 2006 at the 5th International Fisheries Observer Conference (McVea and Kennelly 2007; National Marine Fisheries Service 2007a, b). Observer programmes are encouraged to apply this CCROP-HS to the maximum extent in order to advance health and safety training and increase health and safety awareness to the extent practicable thereby minimising risks.

This document supplements and complements the provisions in the International Observer Bill of Rights (IOBR) and Code of Conduct for Responsible Observer Programs - Stakeholder Responsibilities (CCROP-SR). A standard list of definitions is used for referencing these documents (CCROP-SR, Glossary). These documents were distributed for public comment to over 1200 stakeholders internationally from February 2013 until August 2013. Venues for outreach were the Association for Professional Observers (APO) Mail List, APO Facebook Group, the 7th International Fisheries Observer and Monitoring Conference (IFOMC) Steering Committee, and targeted mail lists of additional public stakeholders.

The APO has agreed to be custodian of this document⁵ and associated IOBR and CCROP-SR. These documents will be modified from time to time with stakeholder input. For enquiries, comments, contributions and updates, please contact the IOBR Team: E-mail: iobr@apo-observers.org; Web: <http://www.apo-observers.org/billofrights>.

⁵ Suggested citation: Code of Conduct for Responsible Observer Programmes – Observer Health and Safety (CCROP-HS) [Internet]. Association for Professional Observers (APO): The International Observer Bill of Rights and Codes of Conduct for Responsible Observer Programmes. Version 1.0. September 2013. Available from: <http://www.apo-observers.org/billofrights>.

Section I: Medical and Physical Employment Criteria⁶

1. Medical certificates⁷

- A. Observer shall possess a valid medical certificate issued by a qualified medical examiner stating the observer is physically fit for duty (CCROP-SR Section III(11) and Section V(1)).
- B. Medical certificates shall automatically expire after one year or as required by national standards.
- C. Observer programme shall provide medical examiner with written guidance on the procedures for the conduct of observer medical examinations; including applicable job description, description of living / working conditions and psychological stressors at the various work sites, an estimate of time it would take for observer to seek medical attention, and list of physical expectations as defined by the programme. At a minimum, the physical expectations shall include:
 - i. Vision shall be correctable to 20/30;
 - ii. Hearing capacity for shall be at least 30 dB (unaided) in the better ear and 40 dB (unaided) in the less good ear within the frequencies 500, 1,000, 2,000 and 3,000 Hz (approximately equivalent to speech-hearing distances of 3 meters and 2 meters, respectively);
 - iii. Ability to repeatedly lift a minimum of 25 kg;
 - iv. Ability to fit through passageways of a size appropriate to assignment.
- D. Medical examiners should understand their ethical position as examining medical practitioners acting on behalf of the observer programme, ensuring that any conflicts with this are recognised and resolved, and should obtain informed consent from the observer prior to any communication with others about clinical aspects of the observer's health.
- E. Medical examiners should enjoy absolute professional independence from the monitored industry, observers, and their representatives in exercising their medical judgment in terms of the medical examination procedures.

2. Preventive Measures

- A. Observers shall be vaccinated for tetanus and other communicable diseases as appropriate and determined by the observer programme. The World Health Organisation (WHO) International Travel and Health website [www.who.int/ith/en/] should be consulted for regional recommendations.
- B. Observers shall submit to an annual mental health evaluation or questionnaire. Results of this evaluation will be held confidential according to the laws of the country of the hiring or administrating observer programme.

⁶ Based on elements of (Transport Canada 2007, 2008, ILO 2011).

⁷ A medical certificate may be an official document or an informal summary of a physical examination as long as it states the observer is physically fit for duty.

- C. Observer programmes shall allow break time between deployments and work-leave options that allow observers to recover mentally and physically, including clear protocols with established time frames.
- D. Observers shall have basic swimming skills. Ability to swim 500 meters and tread water for 30 minutes is highly recommended.

Section II: Medical Training

1. Basic Training

Observers shall possess certification for:

- A. Elementary/Basic First Aid. NMFS (2007a) provides a thorough list of competencies for First Aid training;
- B. CPR (cardiopulmonary resuscitation);
- C. Preventing Disease Transmission (PDT; incl. Methicillin-resistant *Staphylococcus aureus* (MRSA), hepatitis, tuberculosis, sexually transmitted diseases (STDs)).

2. Additional Training

Recognising observers are sometimes the most well trained person to provide medical treatment at a deployment site, observers are encouraged to seek the following additional certifications:

- A. First Aid - Offshore/Wilderness/Marine;
- B. CPR & AED (automated external defibrillator).

Section III: Health and Safety Training

1. Training length

The minimum recommended time allotted for the initial health and safety training (excluding medical training described in Article II) for new observers is 24 hours; however, it may take up to 48 hours to adequately cover the full list of topics. Observers should complete an annual refresher course (16-32 hours).

2. Minimum Health and Safety Training Topics (IMO 1978)⁸

The following topics shall be included in observer training:

- A. General Health and Safety Topics
 - i. Appropriate clothing
 - ii. Nutrition
 - iii. Hydration and dehydration
 - iv. Fatigue / sleep deprivation
 - v. Seasickness
 - vi. Sanitation

⁸ Many of these topics overlap modules of the STCW95 Personal Survival Techniques (PST) and Personal Safety and Social Responsibilities (PSSR), as well as the Offshore Petroleum Industry Training Organisation (OPITO) Basic offshore survival induction emergency training (BOSIET), Helicopter underwater escape training (HUET) and basic survival training (BST) courses

- vii. Infections / communicable disease
 - viii. Personal medications
 - ix. Sampling safety (ergonomics, proper location, safe lifting technique)
 - x. Psychological health
 - xi. Conflict resolution - definition, recognition, de-escalation, and documentation
 - xii. Harassment (incl. assault, interference, bribery, sexual harassment)
 - xiii. Drug /alcohol use, abuse and hazards
 - xiv. Cultural awareness
 - xv. Communicating personal and worksite health & safety concerns to programme
 - xvi. Assignment refusal policy for safety or other reasons (*See IOBR Article IV(2) and CCROP-SR Section III(13)*)
- B. Vessel/Shore-based Facility/Offshore Installation Hazard Topics
- i. Embark/disembark
 - ii. Transfers at sea
 - iii. Vessel, deck & rigging hazards
 - iv. Falls and slips
 - v. One hand for the boat (deck safety)
 - vi. Stability - basic terminology, risk factors associated with different fisheries, stability reports & guidelines and general rules of thumb (large and small vessel issues), importance of fire/weather-tight and watertight doors
 - vii. Hazardous materials (*e.g.* CO, hydrogen sulphide, ammonia)
 - viii. Small boat handling & outboard motor operation (programme dependent)
 - ix. Gear hazards (fishery, worksite specific)
 - x. Hazardous marine organisms
 - xi. *[recommended] Helicopter safety, transport operations and rescue*
- C. Safety Equipment Topics
- i. Personal floatation devices (PFD) - proper donning, inspect for wear, proper storage, lights (check batteries) and maintenance
 - ii. Immersion suits (colder water fisheries) - proper donning, inspect for wear, proper storage, strobes/PFD lights (check batteries) and maintenance
 - iii. Other floatation and rescue devices - life ring, life sling
 - iv. Radio/Communication equipment - location, emergency instructions, how to use
 - v. Positioning equipment - location, how to read a GPS
 - vi. Alarms (general, emergency, radar/watch, engine)
 - vii. Survival craft – proper installation, location, capacity, expiration and required equipment
 - viii. Hydrostatic release unit on raft – proper installation, expiration
 - ix. EPIRBS – models/designs, battery expiration dates, hydrostatic release expiration dates, registration decal information, testing by vessel personnel
 - x. Fire extinguishers - different styles, reading labels, which type to use depending on type of fire, locations and maintenance
 - xi. Signalling devices (passive and active)
 - xii. Pyrotechnics (flares)

- xiii. Survival kits - SOLAS approved
- xiv. Survival kits - personal & vessel
- xv. Man Overboard (MOB) devices
- xvi. Flood control kit
- xvii. Other personal protective equipment (*e.g.* hardhats, ear protection)
- xviii. Dewatering pump assembly and operation

Optional:

- xix. USCG Damage Control Trailer
- xx. Helicopter rescue/transport

D. Survival Training Topics

- i. Seven Steps to Survival (Recognition, Inventory, Shelter, Signals, Water, Food, Play)
- ii. Station bills
- iii. May Day
- iv. Man overboard (MOB)
- v. Life ring or buoys – number on board and location
- vi. Observer overboard (stay rules)
- vii. Escape plan (egress - getting to the muster station)
- viii. Abandon ship (getting from muster station to life raft)
- ix. Flooding
- x. Fire and fire fighting
- xi. Hypothermia / hyperthermia (location dependent)
- xii. Cold water near drowning (location dependent)
- xiii. Drills

E. Regulatory Topics

- i. International Convention for the Safety of Life at Sea (SOLAS)
- ii. Safety regulations pertaining to monitored entity (country specific)
- iii. Regulations/rules pertaining to the health, safety & welfare of observers (*e.g.* accommodation requirements, assault, harassment, interference and bribery)
- iv. Boarding by enforcement entity
- v. Compliance reporting procedures and enforcement follow-up expectations
- vi. How to complete the pre-deployment safety checklist

Optional:

- vii. HACCP regulations for working with seafood

3. Required Competencies⁹

The following competencies shall be included as part of observer health and safety training:

- A. Participate in role play demonstrating ability to resolve a conflict situation;
- B. Demonstrate proper lifting techniques¹⁰;

⁹ See NMFS (2007a) and Davies and Reynolds (2002) for more detailed lists of competencies.

¹⁰ See Ajango *et al.* (2004), Appendix G, for more detailed steps for these items.

- C. Complete a pre-boarding safety checklist on board a vessel (or simulate completion of a checklist if a vessel is not available) which includes identifying the location and service status of critical lifesaving equipment;
 - D. Perform and/or participate in a vessel (or simulated) orientation including identification of muster and embarkation stations and emergency escape routes;
 - E. Demonstrate ability communicate with other persons on board on elementary safety matters and understand safety information symbols, signs and alarm signals;
 - F. Recite Seven Steps to Survival and describe what each step means;
 - G. Demonstrate the correct use and adjust the fit of a PFD;
 - H. Demonstrate how to inflate a Type V PFD;
 - I. Demonstrate proper donning of an immersion suit within 60 seconds*including the inflation of the flotation bladder and turning on light;
 - J. Demonstrate proper jumping techniques for entry into the water wearing a PFD or immersion suit;
 - K. Demonstrate the HELP position with a PFD on in the water;
 - L. Demonstrate the HUDDLE position with a PFD on in the water;
 - M. Demonstrate the chain swim with a PFD or immersion suit on in the water;
 - N. Demonstrate the proper securing and release of the hammer type hydrostatic release;
 - O. Describe steps to safely deploy a life raft;
 - P. Board a life raft from the vessel (or dock/pool side) (with or without assistance);
 - Q. Board a life raft from the water (with or without assistance);
 - R. Demonstrate righting of a capsized a life raft ;
 - S. Demonstrate the function of at least one piece of equipment in a SOLAS A kit;
 - T. Demonstrate the proper technique for testing an EPIRB;
 - U. Describe (or if possible demonstrate) the five steps in the proper use of portable fire extinguishers to fight a fire*;
 - V. Demonstrate the five most important components of a proper MAYDAY call;
 - W. Demonstrate ability to use signal mirror & whistles;
 - X. Demonstrate proper technique for deploying at least one type of pyrotechnic device;
 - Y. Assemble personal survival kit and explain components to classmates;
 - Z. Demonstrate communication and writing skills necessary to properly document and report potential violations that jeopardise observer health or safety;
 - AA. Describe appropriate steps to take if a person falls overboard, fire or smoke is detected, or the fire or abandon ship alarm is sounded;
 - BB. Demonstrate ability to take immediate action upon encountering an accident or other medical emergency before seeking further medical assistance onboard;
- Optional:*
- CC. Demonstrate ability to assemble and start a dewatering pump
 - DD. Demonstrate basic navigation skills, ability to start an outboard motor, and manoeuvre a small boat/skiff.

4. Safety during Hands-on Component of Training

Each programme will develop protocols to ensure the safety of observers during safety training such as requirements to be met during pool or open water exercises, flare exercises and fire fighting exercises¹¹.

Section IV: Worksite Health and Safety

(See CCROP-SR Section II and III) Observer programme and/or employer shall:

1. Legal and programmatic policy framework

- A. Establish policies, based on laws made by the regulatory authority, to report incidents concerning the observer's ability to conduct their duties free of assault, harassment, interference and bribery to the appropriate enforcement entity.
- B. Recognise an observer's right to refuse an assignment and develop guidelines to assist observers in making decisions regarding their health, safety and welfare.

2. Transportation Safety

- A. Develop guidelines to be followed if observer is expected to utilise motor vehicles (e.g. cars, motorbikes), aircraft or transport vessels in the course of completing duties. Specialised training may also be required.
- B. Pre-deployment Safety Checklist - Develop a pre-deployment safety checklist appropriate to the class of vessels or worksites to be monitored and establish minimum requirements for assignment refusal. The purpose of the checklist is to aid in familiarising observers with safety procedures and equipment prior to deployment (See Box 1 for sample list). The checklist shall be completed and submitted to the observer programme or employer prior to each observer deployment. If the minimum requirements of the checklist are not met, the observer may not embark until they have contacted and reported these to their observer programme or employer. Observers are not official safety inspectors; therefore, the minimum requirements (See boxes below) consist of determining the presence/absence of certain pieces of safety equipment.

3. Embarkation/Disembarkation/Transfer Protocols

Observer programmes or employers shall develop embarkation/disembarkation/ transfer protocols to minimise risk which require the observer to:

- A. Not embark/disembark/transfer to a monitored entity if observer deems embarking/disembarking to be unsafe (based on training and experience);
- B. Not be intoxicated (according to state or international law) when embarking/disembarking;
- C. Ensure at least one person is aware the observer is embarking/disembarking a monitored entity during bad weather scenarios and can see the observer well enough to

¹¹ See NMFS (2007b) for sample training checklists on each of these topics.

respond to an emergency. Other scenarios are at the discretion of the observer programme¹²;

- D. Where possible, observer embarkation/disembarkation directly onto vessels shall take place in port by the quayside in order to ensure the safest means of transferring observers to/from vessels;
- E. Adhere to the following general protocols during at-sea vessel transfers:
 - i. Transfers in daylight are preferred or with suitable lighting in areas without daylight (e.g. polar regions);
 - ii. The two vessels must be within a reasonable distance from each other (few hundred METRES, not kilometres);
 - iii. The observer shall wear a PFD and hard hat (safety helmet);
 - iv. Jumping from vessel to vessel is not allowed;
 - v. If a life boat, rescue craft or other inflatable craft is used in the transfer, the operators and equipment shall possess the appropriate certifications for those activities. The vessel shall provide a pilot ladder in good condition - when appropriate (smaller to larger vessels);
 - vi. If a cargo net or basket is used, make sure a line is attached to both points for greater control and to reduce swinging. Crouch down as low as possible to lower your centre of gravity. Keep your fingers and elbows inside the basket or net.

4. Accommodation

Establish minimum standards for adequate accommodation for an observer deployment appropriate to the size of the *Monitored Entity* and equivalent to that of the officers of the *Monitored Entity*. Accommodation (with programme supplementation, if necessary) includes but is not limited to:

- A. Safe drinking water and safe and nutritious food for the observer;
- B. Dry, relatively quiet, unshared bunk space for the observer;
- C. Accommodation free of harmful pests (especially biting insects or mites) and a plan for their control.
- D. Accommodation shall also be free from harmful pesticide exposure related to insect control.

5. Access

Unhindered access to emergency equipment (e.g. radios, immersion suits).

6. Adequate assignment notice

Provide adequate notice and allow observers time to prepare for and arrive at the assignment port, especially in programmes that require extensive driving or flying to arrive at the assignment.

¹² For the purposes of this document, “bad weather scenarios” are defined as Beaufort Sea State 7 (28-33 knot, “near gale” winds) and above (http://en.wikipedia.org/wiki/Beaufort_scale).

7. Communication

Develop communication protocols and emergency action plan between the appropriate maritime safety or marine enforcement entity and observer programmes (if separate) that:

- A. Clearly outlines the hierarchy of authority relative to rectifying observed safety issues;
- B. Uses emergency status codes that are only available to the observer and observer programme.

8. Mental health

Provide options for mental health counselling, including crisis intervention and drug and alcohol counselling, independent of observer programme or observer employer that allow observers to freely address psychological stresses of the job.

9. Provided safety equipment

Provide (or compensate observer for) safety equipment appropriate to the assignment which may include the following: wearable PFD, immersion suits, personal locator beacon, hearing protection, hard hat, foul weather gear, work boots and satellite phone.

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Box 1: SAMPLE CHECKLIST FOR VESSELS

Box 1: SAMPLE CHECKLIST FOR VESSELS (Ajango *et al.* 2004, ICCAT 2007, AMSEA 2011)

- a. U.S. Coast Guard Exam Sticker valid two years from month issued in U.S. fisheries. For all other vessels, a current and valid Safety Certificate that does not expire for a period of at least four months from the date of embarkation of the observer;
- b. Orientation tour of monitored entity provided within 8 hours of embarking or arriving;
- c. Station bill placard of emergency assignments for all on board including the observer - location, emergency instructions and assembly locations (muster station);
- d. Life raft/survival craft - type, location, capacity including observer, service date valid, hydrostatic release date not expired, raft assignment;
- e. Immersion suits, lifejackets (PFDs) for all personnel on board - types, stowage location, accessibility in an emergency, proper size, light;
- f. Life rings or man overboard recovery device(s) – location;
- g. Flares - types, location, expiration dates;
- h. EPIRB(s) - location, battery expiration date, and hydrostatic release expiration date;
- i. Fire extinguishers - which types, location, last service date;
- j. First aid materials/medicine chest - location, first aid texts, trained crew;
- k. Radio - types, location, monitor distress channel, instructed how to use;
- l. Electronic position fixing devices: function, how to find position;
- m. Radar - Operational and alarm options;
- n. Stability report or guidance on board and current within 5 years;
- o. Presence of vessel hazards: Do hatches open/close? Do watertight doors properly seal? Are rails open or potentially unsafe? Location of overhead or sharp objects;
- p. Personal risk management plan; Personal escape route clear; Find route in dark; Personal survival equipment available and accessible at all times;
- q. [small vessels] Instructions to turn engine on/off and how to steer in case observer is only one remaining on board.

Box 2: MINIMUM SAFETY REQUIREMENTS – Vessels >24m LOA

The observer shall check the following items as part of the “Pre-deployment Inspection” which shall be considered as the minimum compulsory requirements. In the event a vessel does not meet these requirements, the observer shall not board the vessel for deployment. Regulatory authorities have not yet established standards for vessels <24m LOA. However, stakeholders may consider the following standards applicable for vessels <24m LOA.

Safety Certificate (Safety Management Certificate)

- a. The vessel shall maintain onboard a current and valid safety certificate that does not expire for a period of at least four months from the date of embarkation of the observer.
- b. Check that that the full complement including the observer onboard does not exceed the limit for the number shown on the safety certificate.

Life Rafts

- a. The life rafts shall have the capacity to accommodate the full crew complement including the observer.
- b. Life rafts shall be within their serviceable date, which shall cover the expected maximum duration of observer deployment.
- c. All life rafts shall be fitted with a properly attached Hydrostatic Release mechanism.
- d. Life rafts shall be mounted in a float free location and be free of extraneous tie-downs.

Life Jackets

- a. There shall be a total number of life jackets onboard, readily available at the emergency muster stations to accommodate each of the complement onboard the vessel.
- b. All life jackets shall comply with IMO – SOLAS LSA standards.

Immersion Suits

- a. There shall be a total number of immersion suits onboard, readily available at the emergency muster stations to accommodate each of the complement onboard the vessel.
- b. All immersion suits shall comply with IMO – SOLAS LSA standards.

GMDSS Requirements

- a. The vessel shall be GMDSS compliant in accordance to its tonnage and its area of operation.
- b. Any component of the GMDSS requirement that is out of date or unserviceable will render the vessel as NOT being GMDSS compliant

Minimum safety requirements shall apply to all vessels onto which an observer is embarked; including any vessels used to transfer observers from land to transshipment vessels. It is noted however, that a pre-deployment inspection will not be possible in the case of observers not embarked in port. For this reason, the observer programme requires all carrier vessels embarking an observer for the first time to do so in port. Subsequent observer changeovers may take place without the carrier vessel returning to port.

GLOSSARY

The following definitions are included for the purpose of the IOBR, CCROP-HS, and CCROP-SR, with source documents in parentheses.

Active Observer – A person who has worked as an authorised ‘observer’ within the last year (IOBR).

Assault – Physical/verbal attack, threat of bodily harm, rape or attempt to destroy personal or professional property of the observer (IOBR).

Assignment – Beginning the day an observer is first told they are to be deployed (See Deployment) on board or at a *Monitored Entity* and ending the day the observer leaves the *Monitored Entity*, or the assignment is cancelled (IOBR, CCROP-SR).

At sea – Day an observer is required by the vessel to be on board the vessel, regardless if at sea, anchored, tied up at the dock or in transit to fishing grounds (IOBR).

Bribery – The offering of a gift or other type of incentive to influence the observer’s conduct or performance of their duties. Bribery comes in many forms and can often be subtle, with small gift giving, promise of future employment or special treatment and can be with no explicit request to alter the observer’s duties, but may have the effect of influencing the observer. Other forms of bribery of the observer are more blatant, with actual requests to alter data or influence the performance of their duties (IOBR, CCROP-SR).

Briefing – A training prior to deployment that an observer is required to participate, usually less time than initial training with the purpose of updating the observers on any protocol changes or changes in laws that affect the observer’s duties (IOBR). *Conflict of interest* - an observer, observer employer, or observer coordinator’s participation in any activity or relationship, whether pecuniary or social, that results in the impairment or perceived impairment of the official responsibilities or objectivity of that person (CCROP-SR).

Crisis Intervention – Emergency care aimed at assisting individuals in a crisis situation to restore equilibrium to their biological and psychological functioning and to minimise the potential for psychological trauma (IOBR).

Debrief – observer programme or contracted personnel that performs a face-to-face debriefing with the observer, using observer programme debriefing protocols, after the observer’s deployment to ensure the data quality and integrity of their data collection methods and that observer programme protocols were properly followed (IOBR).

Debriefing (data quality accountability) – period when an observer is interviewed by the debriefer to describe all aspects of their deployment, including data collection methods, protocols followed and problems encountered (IOBR).

Deployment – Beginning the day an observer starts travel to a *Monitored Entity* and ending the day the observer leaves the *Monitored Entity* (IOBR, CCROP-HS, CCROP-SR).

Direct financial interest - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent (CCROP-SR).

Dockside Location - shore-based sampling location where the observer collects catch information on aquatic resources coming off a vessel (retained catch only) (IOBR, CCROP-SR).

Electronic Monitoring (EM) – The use of technologies, such as vessel monitoring systems or video cameras, to monitor commercial fishing operations (CCROP-SR).

Electronic Reporting (ER) – The use of technologies, such as phones or computers, to record, transmit, receive and store fishery data (CCROP-SR).

Essential Observer Programme Data – Observer programme statistics that allow for comparison with other programme, such as number of vessels, plants and dockside locations covered in the programme, the number of observers utilised in each, the average deployment length by vessel type and fishery, observer attrition rates, violations reported and their outcome, estimated annual value of various target fisheries, unionised or not, desired vs. implemented coverage rates, and definition of fishing day for observer coverage purposes (IOBR).

Fair Labour Standards – A standard established and adhered to by the employer which includes the safeguarding of employee rights under national and international labour laws, including non-discriminatory practices, freedom from abuse or harassment, rights to collective bargaining (unions) and freedom of association, healthy and safe work environment, premium payment for overtime and holidays. Most international fair labour conventions set standards of reasonable weekly hours worked at no more than 60 hours/week. Many observers work in excess of 100 hours per week (IOBR).

Financial Independence – This term is used to denote a clear separation financially between the observer or observer employer and the *Monitored Entity*, beyond that of observer service provisioning. Financial transactions should not include direct payment for salary, travel, transportation, food (between assignments), lodging (between deployments), and medical support (between deployments) (IOBR, CCROP-SR).

First-time Observer - an observer's first-time embarking a *Monitored Entity*, during his/her first employed deployment as an observer (CCROP-SR). *Former Observer* – A person who has former work experience (equalling 90 days or more) as an authorised observer and has not worked as an observer within the last year. Also known as prior observer (IOBR).

Grievance Procedure – An official process whereby observers can register a complaint or appeal to an action taken against them or appeal a performance evaluation (IOBR).

Harassment – Harassment of an observer can include anything that creates an intimidating, hostile, or offensive environment, with or without the intention of interfering with the observer's duties. Sexual harassment is a type of harassment that involves "unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature [...] when submission to, or rejection of, this conduct explicitly

or implicitly affect an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment."(AFSC 2011). Harassment is sometimes subtle and requires special training by the observer programme to help the observer define, avoid, de-escalate, and properly document instances of harassment for prosecution (IOBR).

Industry Self-Monitoring - Refers to the collection of information by representatives of the industry being monitored. Any representative hired directly by the industry should not be referred to as an *observer*.

Interference – Interference of an observer's duties is any physical or circumstantial manipulation that has the effect of preventing or influencing any aspect of the observer's duties in a way that prevents the observer from carrying out their duties according to the observer programme's protocols (IOBR, CCROP-SR).

Monitored Entity – Vessel, processing plant, dockside location, research vessel or offshore platform that is being monitored as part of an observer programme; may be inclusive of any personnel (or company) responsible for the management or operation of the *Monitored Entity* (IOBR, CCROP-SR).

Observer – An 'observer' is a person who is authorised by a regulatory authority to collect information in the field (either at sea or on shore) to support sustainable aquatic resource management. The observer must be financially independent of the industry being monitored (IOBR, CCROP-SR).

Observer Employer – This includes any employer of the observer (observer programme or private company). If a private company (sometimes referred to as an "observer provider"), it is one that is contracted (or permitted) by the regulatory authority to carry out the purpose of providing monitored entities with observers (IOBR).

Observer Performance Evaluation – Observers should have ample opportunity to improve their performance through regular evaluations. This is usually done in a face-to-face meeting with debriefers after an established amount of time - for example, after each trip, contract, 6-month period, etc. Observer performance evaluations should have transparent protocols that ensure against discrimination, be readily available to observers, and include clear instructions required of the observer to reconcile any negative evaluation. Performance evaluations should include an appeal process that allows the observer to challenge a negative performance evaluation and this should be included with the performance evaluation record (IOBR).

Observer Programme – Includes all personnel of an agency, organisation, and/or contracted non-observer entity who are responsible for the direct management of the monitoring programme – including, trainers, briefers, debriefers, port coordinators, observer coordinators, and logistics personnel. May or may not include observer employer company staff (IOBR, CCROP-SR).

Processing Plant – A facility where vessels offload fish catch, where the fish are processed and packaged (IOBR).

Qualified Observer - An observer who has completed a certification course in accordance with a recognised Observer

Programme. To become 'qualified', observers need sufficient time to learn their duties, develop good judgment in carrying out those duties, adhering to professional standards of conduct, and adapting to the rigors of a hazardous working environment (CCROP-SR).

Regulatory Authority – Governing body that mandates, initiates, manages or oversees the management of an observer programme (IOBR, CCROP-SR).

Standby – Days observer is waiting for deployment and unable to take another job. This includes:

- days after training, waiting to receive word of their assignment;
- days observer is expected to check-in with their employer via phone or in person;
- days assigned but waiting in the port of hire to transit to the *Monitored Entity*;
- during transit to arrive at the *Monitored Entity*, and;
- days when residing in the port of the *Monitored Entity*, waiting for instructions to board or arrive at the *Monitored Entity* (IOBR, CCROP-SR).

Training – Days before deployment that are dedicated to training the observer in sampling methods, species identification, education of aquatic resource regulations, and informing the observer of any other aspect that they are likely to encounter during their deployment (IOBR)

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