


FFA
**FORUM FISHERIES COMMITTEE
ONE HUNDRED AND EIGHTEENTH MEETING**
Virtual
11 - 14 May 2021

Agenda Item:	18
Paper Number:	FFC118-WP.15
Title:	Crew Safety and Welfare – including implementation of the Crewing Project

Summary:

This paper provides an update on the implementation of the crewing MTC, highlighting the need for FFA Members that have not done so to put in place national instruments to implement the MTC by the end of 2021.

The decision at WCPFC17 to conduct inter-sessional work on labour standards for fishing crew is briefly discussed and details are provided of the New Zealand funded crewing project that is expected to commence in July 2021, noting that a position within the FFA Secretariat is going to be funded as part of the project.

Recommendations:

The Committee is invited to:

- i. Remind Members of the decision of FFC110 and FFC MIN16 to implement the crewing conditions to both foreign and domestic fishing vessels;
- ii. Urge members that have not done so to commence national implementation of the crewing MTCs;
- iii. Encourage members to seek the assistance of the Secretariat in the implementation of the crewing MTCs where required;
- iv. Note that the New Zealand funded crewing project should commence shortly; and
- v. Note that a workshop on crew safety will be convened immediately prior to FFC.

Crew Safety and Welfare – including implementation of Crewing Project

Introduction:

1. This paper informs FFA Members on the status of the Secretariat work and other matters in relation to labour standards for fishing crew including:
 - i. The implementation of the crewing MTC.
 - ii. An update on the status of the New Zealand crewing project
 - iii. Recent developments at the WCPFC with respect to Labour standards for fishing crew.

Background:

2. FFC110 at its meeting in May 2019 considered and endorsed the inclusion of HMTCs to protect human rights and safeguard the labour conditions for crew. FFC110 also agreed members will make best endeavours to give domestic effect to such HMTCs by 1 January 2020. In the Ministerial Communique at FFC Min16 in June 2019, Ministers committed to apply the crewing conditions to domestic flagged vessels, to ensure a level playing field and full protection of the rights of crews on fishing vessels against human rights abuses at sea.
3. The key conditions of employment that are currently included in the HMTCs are:
 - i. A written contract.
 - ii. Protection of the basic human rights of the crew in accordance with accepted international human rights standards.
 - iii. Provisions requiring that crew are not assaulted or subject to torture, cruel, inhumane or degrading treatment and that vessel masters shall treat all crew with fairness and dignity.
 - iv. Procedures covering the death of crew and for advising next of kin in the event of an emergency.
 - v. Full travel costs from the point of hire to and from the vessel at no cost to the crew;
 - vi. Decent and fair remuneration.
 - vii. Full insurance coverage to and from, and on, the vessel.
 - viii. Provision of medical care.
 - ix. Rest periods.
 - x. Provision for health and safety including a safe vessel while the crew is on board throughout the duration of the contract.
 - xi. Safety equipment and tools.
 - xii. Proper accommodation, sanitary facilities and suitable meals and water.

Key Issues:*Implementation of the Crewing MTC*

4. There are two options that members may wish to consider in order to implement the HMTCC crewing conditions: either implementing it as license conditions; or implementing it by legislation, including regulations. The Secretariat has been working with Members that have requested assistance in the implementation, including Fiji, Palau, Papua New Guinea, Tokelau, Tuvalu, Solomon Islands and Vanuatu. The table below summarizes the current status of the implementation by those members.

Countries	Status of implantation
Fiji	In Progress. Draft Policy developed, implementation by regulations
Palau	Implemented by regulations
PNG	In Progress. A new provision in the current Fisheries Management Bill for the powers to make regulations relating to crewing conditions
Tokelau	Implemented by license condition
Tuvalu	Implemented by policy and regulations
Solomon Islands	In Progress. Work has commenced with a completion target of June 2021.
Vanuatu	In Progress. There is an existing Crewing Policy and Draft regulations

5. As can be seen from the above table implementation progress has been slow. The Covid19 pandemic has undoubtedly had an impact as FFA Members have had to deal with other priorities related to the impact of the pandemic on the fishing industry. However, FFA Members are strongly encouraged to move forward with implementation as a matter of urgency in the hope that all Members can complete this process by the end of 2021.

New Zealand Project on Labour Standards

6. New Zealand has developed a project that aims to provide assistance to FFA members in work on labour standards. The Lead Agency for the project is the International Office of Migration (IOM) while other Implementing Agencies are the FFA Secretariat, the International Labour Organization (ILO) and the UN Office on Drugs and Crime (UNODC).

7. Funding provided to FFA totals approximately USD1 million over 4 years with an anticipated commencement start of July 2021. A Crewing Adviser position is funded under the project and activities to be covered include:

- i. The provision of information, opportunities for collaboration and coordination, and technical support to PICs to improve working conditions on fishing vessels.
- ii. Technical and operational support to PICs to develop, implement, monitor and enforce labour standards, including the national implementation of MTCs for Crew Employment Conditions.
- iii. Specialist advice to identify and develop opportunities to expand and strengthen existing measures to monitor working conditions on fishing vessels including schemes of observation, port State measures (PSM), boarding and inspection, electronic monitoring and Port State Control (PSC).

- iv. Training for national agencies to identify and address poor working conditions, labour rights violations and human trafficking on fishing vessels in the Pacific.
- v. Specialist advice to develop and implement regional and national data and information collection capacity and systems.
- vi. Technical support to fishing companies and fishing industry associations in PICs, to develop and implement codes of conduct, consistent with regional and international labour and human rights standards.
- vii. Specialist advice and technical support to develop a system of recognition of qualifications and employment pathways.
- viii. Technical support to develop new, or enhance existing initiatives for crew on their rights and obligations on vessel operators to maintain safe, decent and worthwhile working conditions.

Developments at the Western and Central Pacific Fisheries Commission

8. Currently WCPFC has in place a non-binding resolution entitled “Resolution on Labour Standards for Crew on Fishing Vessels”. At WCPFC17 Indonesia introduced a proposal for a binding CMM on labour standards. FFA Members supported the proposal put forward by Indonesia and the decision by the Commission for inter-sessional work in 2021 to further progress the issue. With work progressing at the Commission level it is important that FFA Members move forward with implementing the crewing MTC to provide a precedent that can be taken up during the inter-sessional work.

9. In preparation for the inter-sessional work a crew safety workshop will be convened immediately prior to the annual FFC meeting. The one day workshop will review the Indonesian proposal and the status of work being done on labour standards at the national level. The outcomes of the workshop will be provided to FFC.