

Original: English

Report of the Ad Hoc Working Group on Labour Standards (LSWG)

(Online, 31 May 2023)

1. Opening of the meeting and meeting arrangements

The Chair of the Ad Hoc Working Group on Labour Standards (LSWG), Ms. Alexa Cole (USA), opened the meeting and welcomed participants to the virtual meeting of the Working Group.

2. Nomination of rapporteur

Mr. William Harris (Canada) was appointed as rapporteur for the meeting.

3. Adoption of agenda

The Chair opened the floor for any comments on the tentative agenda. There were no comments and the meeting agenda was adopted and is attached as **Appendix 1**.

The Executive Secretary welcomed participants to the meeting and provided an overview of the list of delegations from participating CPCs and observers in attendance. The List of participants is contained in **Appendix 2**.

4. Review of the outcomes of the Fourth Meeting of the Joint FAO/IMO/ILO Ad Hoc Joint Working Group (JWG) on Illegal, Unreported, and Unregulated (IUU) Fishing and Related Matters (Torremolinos, Spain, 23-25 October 2019)

The Chair noted the availability of a meeting document that presented the final report of the 4th FAO/ILO/IMO (JWG) meeting on IUU Fishing and other related matters [JWG 4-15] and outlined the outcomes and recommendations of that meeting. The Chair noted that the JWG meets every four years, and that a fifth meeting is tentatively scheduled for a time in October-November 2023.

The United States expressed its continued support for the JWG, and noted the importance and relevance of its meetings, especially the actions highlighted under paragraphs 8.1, 8.2, and 8.3 of the final report, to the current work undertaken at ICCAT.

5. Review of LSWG workplan agreed in 2022 and relevant actions

5.a) Review of information available in the ICCAT repository

The Chair referenced the adoption of the 2022 LSWG workplan, which included the creation of an online repository, to be populated by CPCs, for information related to labour abuses and safety issues affecting fisheries management, such as relevant international instruments, publicly available guides and training materials, or reports on relevant domestic laws and regulations.

The European Union and Korea indicated that their delegations intend to submit information following the meeting. Brazil also indicated an interest in submitting information to the online repository, and highlighted that its materials are in Portuguese and Spanish, which may be particularly useful to CPCs in Latin America.

The United States provided a summary of its submission to the online repository. Its submission contained links to relevant international instruments, such as the *Work in Fishing Convention, 2007* (ILO C.188) as well as training materials and guides for inspectors to assist in the identification of labour issues. The submission

also identified relevant domestic laws that enabled authorities to prosecute forced labour and for national agencies to detect labour violations on board vessels flagged to the United States.

5.b) Review and follow-up on issues discussed with ILO in 2022

The ILO expressed its continued willingness to discuss capacity building needs with CPCs, with respect to the implementation of ILO C.188 and other international standards connected to the instrument. The ILO stated that it has developed several training tools to assist domestic authorities, particularly law enforcement officials, and remains available to share these resources as needed.

The United States expressed an interest in knowing more about an online training tool for fisheries inspectors that was promoted by the ILO. The ILO explained that a training course for law enforcement officials is conducted annually, and it contains a new e-learning component with various modules, including detection of forced labour. Further information is available on the ILO website¹.

5.c) Consideration of possible development of best practices on labour standards for ICCAT

The Chair presented a 'Draft resolution by ICCAT on core principles for labour standards in ICCAT fisheries', and acknowledged that Chinese Taipei and Korea had already provided written comments on the draft resolution. The Chair explained that the draft resolution took inspiration from a similar non-binding resolution adopted at the Western and Central Pacific Fisheries Commission (WCPFC) in 2018, as well as previous discussions at ICCAT, including during the negotiations and adoption of ICCAT's observer safety measure (*Recommendation by ICCAT on protecting the health and safety of observers in ICCAT's regional observer programs* [Rec. 19-10]).

Japan acknowledged that the draft resolution uses non-binding language, but noted its continued cautiousness towards the text because non-binding resolutions may provide a basis of binding recommendations in the future, in which case its delegation's position on the text may change. Japan further emphasized that even if Japan agrees the text of the draft resolution at the Commission, they do not necessarily take the same position as the draft resolution when establishing a legally binding recommendation in the future and, given the draft resolution includes a provision on reporting implementation, the text should be considered with appropriate seriousness.

The United States expressed its support for the draft resolution as an important first step in the adoption of standards to promote decent work and worker safety in fisheries. The United States also added that it had submitted written comments on the draft resolution, albeit shortly before the meeting, and explained the motivation behind its proposed addition of a provision (and corresponding annex) on procedures encouraged to be taken in the case of emergencies, such as a missing crew member.

Norway also expressed its support for efforts to address labour standards in ICCAT fisheries, including through the draft resolution, and highlighted that the provisions of the draft resolution reflect relevant international instruments, such as ILO C.188. However, Norway also stated that the most appropriate course of action remains for States to ratify and implement these international instruments and to avoid duplicative discussions across different international bodies.

Brazil expressed that it held similar views to Japan and Norway, and intended to propose certain edits to the draft resolution in order to align it more closely with ILO C.188.

CPCs discussed the draft resolution paragraph by paragraph. The Chair highlighted that the absence of preambulatory paragraphs was intended in order to ensure the most efficient use of time and focus discussions on the substantive provisions in the text. CPCs, observers, and ILO experts together discussed a variety of questions and approaches to potential edits to the draft resolution.

One CPC questioned whether it was necessary to explicitly state "migrant workers" after "all crew" in the text of the draft resolution as the latter encompassed the former. However, another CPC emphasized the particular vulnerability of migrant workers, and supported the retention of this text.

¹ <https://www.itcilo.org/courses/training-inspectors-labour-conditions-board-fishing-vessels>

CPCs also discussed the scope of the draft resolution, and expressed different views on whether its provisions would be encouraged “in the ICCAT Convention Area” or in “fisheries under the competence of ICCAT.” Some CPCs expressed the importance of extending these principles to all ICCAT fishing activities and vessels, including transshipment, but ultimately two different formulations of the text were left in brackets for further consideration.

Meeting participants also suggested several new provisions for the text related to identifying and reporting potential violations of labor abuses, dispute settlement in labor agreements, prohibition of recruitment fees, remuneration and social security. The United States also introduced, in more detail, its proposal for a new paragraph, and corresponding annex, on the implementation of emergency action plans (EAPs). The United States noted that the proposed annex was modelled off a similar annex contained in ICCAT [Recommendation 19-10](#), but with necessary modifications to fit the scope of this draft resolution. Some of these new ideas and text suggestions were discussed in detail, but several CPCs also expressed the need to have more time intersessionally review the new text. Ultimately these suggestions were retained in the draft text within brackets for further consideration.

CPCs raised several other questions about the content of the draft resolution. One CPC questioned the value of a provision encouraging access to a communication device on board the fishing vessel since the vessel operator, if it is a situation of labour abuse, is unlikely to permit access. That CPC further noted that an ultimate solution to this problem would be to provide a satellite communication device for each crew member, but this is unrealistic. The Chair remarked that, as a minimum, the provision would enable prosecution for non-compliance, and another CPC noted that a lack of communication would severely undermine worker protection.

In response to an encouraged reporting provision in the draft resolution, one CPC expressed its concern over the potential for increased reporting burden, and stated that reporting should be undertaken in a concrete way, with careful assessment of what is to be reported, who can review the information or data, and for what purpose. The CPC emphasized that data confidentiality requirements should also be considered, and proposed that CPCs that have ratified relevant international instruments could be exempted. The Chair clarified that one of the action points in the LSWG workplan was to contribute ICCAT’s knowledge and experience into relevant ILO work, and that reported information from CPCs could serve this objective.

Lastly, one CPC asked for clarification on the meaning of text that described “concerted efforts” and “innovative options” to assist in implementation of the resolution. The Chair responded that the intent was to convey the need for greater than ordinary efforts in assisting developing States, and that labour issues are often difficult and complex, necessitating more novel approaches.

6. Consideration of future work

The Chair took the opportunity to share that the Chair of the Working Group on Integrated Monitoring Measures (IMM) had allocated time during the 16th Meeting of the Meeting of the IMM Working Group to present the current work of the LSWG, including the latest version of the draft resolution. The Chair clarified that no drafting will take place and only the future schedule would be decided during that meeting.

The Chair then thanked the meeting participants for their detailed and constructive feedback on the draft resolution text, and welcomed further written comments from CPCs in the coming weeks. The Chair then noted she would work to prepare a new version of the draft resolution for further review of the Working Group via correspondence, and for consideration at the 28th Regular Meeting of the Commission.

7. Other matters

No other matters were discussed.

8. Adoption of report

CPCs agreed that the final report for the meeting could be adopted by correspondence.

9. Adjournment of the meeting

The Chair thanked meeting participants for their contributions, and closed the meeting.

Appendix 1

Agenda

1. Opening of the Meeting and meeting arrangements
2. Nomination of Rapporteur
3. Adoption of Agenda
4. Review of the outcomes of the Fourth Meeting of the Joint FAO/IMO/ILO Ad Hoc Working Group on Illegal, Unreported, and Unregulated (IUU) Fishing and Related Matters (Torremolinos, Spain, 23-25 October 2019)
 - a) Review of information available in the ICCAT repository
 - b) Review and any follow-up on issues discussed with the International Labour Organisation (ILO) in 2022
 - i. Research, training, and capacity building;
 - ii. Review and any feedback on forced labour indicators
 - c) Consideration of the possible development of best practices on labour standards for ICCAT fisheries.
5. Review of LSWG workplan agreed in 2022 and relevant actions
6. Consideration of future work
7. Other matters
8. Adoption of Report
9. Adjournment of the meeting

Appendix 2

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