

Challenges in the implementation of C188

What has the ILO Committee
of Experts found?

NOBODY GETS IT RIGHT

- C188 is very complex and very technical
- ILO supervision has raised many questions with every ratifying State
- This is one of the functions of supervision: to help countries adapt their law and practice.

This applies to countries of all kinds

- Denmark and Netherlands get as many comments on their first reports as do Morocco and Namibia.
- The kind of comments differs.
- Early in supervision: mostly noting absence of info or inconsistent legislation

Questions based different things

- Government report states still trying to adapt, or ...
- Government says all is applied, but Experts find gaps in information or laws and regulations, or ...
- Allegations, e.g., from international trade unions, of abuses

Main problem across subjects

- Insufficient legislation and regulations
- Missing details
- Insufficient info on implementation and enforcement
- Allegations of abuse from NGOs, international trade unions

Definitions and coverage

- Among most frequent.
- Incomplete definitions, often omitting skippers
- Coverage incomplete or uncertain for smaller vessels, questions on how provide equivalent protection

Minimum age

- Legislation and regulations inconsistent, not directly adapted to fishers
- Definition of hazardous work prohibited for younger workers

Recruitment

- How ensure that no fees for recruited workers
- Private employment agencies insufficiently regulated
- Bilateral agreements do not cover all aspects

Payment and transfers

- Allegations of delayed and reduced payment
- Info that it is difficult to verify transfer of payments to families, or absence of info

Implementation

- General impression of insufficient labour inspection
- Need information of number of complaints, how followed up

Safety and health

- Insufficient medical equipment on board
- Problems of communication with shore-based health assistance
- Insufficient evidence of crew involvement in setting measures

These are not all

- Virtually every article of the Convention has been cited for lack of information or absence of implementing measures, in several countries.
- No suggestion of deliberate evasion of responsibility, but rather of insufficient thought given to all the measures. Early in supervision – time and attention needed.