



ILO WORK IN FISHING CONVENTION, 2007

Survey and inspection

Notice to all fishing vessel owners, fishing vessel operators, managers, manning agents and fishermen

This notice should be read with the Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018 and the ILO Guidelines for Flag State and Port State Inspections for the Work in Fishing Convention.

Summary

- The purpose of this Merchant Shipping Notice is to give details of arrangements for the survey, inspection and document of compliance for fishermen's living and working conditions on UK fishing vessels, in accordance with the Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018 ("the ILO 188 Survey and Certification Regulations") and give guidance.
- A document of compliance with ILO 188 (known in the UK as a Work in Fishing Convention Certificate) is required for all fishing vessels which -
 - (a) are 24m in length or over;
 - (b) normally navigate at a distance exceeding 200 nautical miles from the coastline of the UK or navigate beyond the outer edge of the UK continental shelf, whichever is the greater distance.
- All other fishing vessels will be subject to inspection for compliance with UK regulations implementing the Work in Fishing Convention. As far as practicable, this will be carried out alongside the normal fishing vessel survey.
- Fishing vessels over 24m in length will be surveyed every four years, and other fishing vessels will be surveyed or inspected every five years.
- Fishing vessels may also be subject to inspection if the Maritime and Coastguard Agency (MCA) receives a complaint regarding fishermen's living and working conditions on board.



Relationship with the ILO 188 Survey and Certification Regulations

- The ILO 188 Survey and Certification Regulations need to be read together with this Merchant Shipping Notice, as it sets out many of the details, standards and formalities which must be observed in order to comply with the legal obligations under those Regulations. Failure to comply with those obligations may be a criminal offence under the Regulations.
- Paragraph 14 contains an index which clearly sets out and/or identifies the provisions in this Notice which relate to the relevant provision in the Regulations.

1. Introduction

- 1.1 The ILO Work in Fishing Convention (ILO 188) requires ratifying states to establish a system to ensure that fishing vessels which fly its flag comply with the requirements of the Convention. The UK will do this by regular inspection of living and working conditions all UK fishing vessels, where practical alongside the regular survey of the fishing vessel. In addition, fishermen will be able to raise a complaint with the MCA if they believe that their living and working conditions do not comply with the Convention. Information about the complaints system is contained in MGN 589 (F).
- 1.2 Non-UK fishing vessels calling in UK ports may also be subject to inspection under ILO 188 if evidence is obtained, for example through a routine inspection, or a complaint is received that the requirements of ILO 188 are not being complied with on board. In particular, fishing vessels flying the flag of a state which has not ratified ILO 188 should not receive any more favourable treatment than fishing vessels that fly the flag of a state which has ratified it.

2. Application

- 2.1 The Regulations apply to UK fishing vessels wherever they are, and non-UK fishing vessels in UK waters.
- 2.2 The requirement for a Work in Fishing Convention Certificate (paragraph 8) applies only to fishing vessels which –
- (a) are 24m in length or over, or;
 - (b) normally navigate at a distance exceeding 200 nautical miles from the coastline of the UK or navigate beyond the outer edge of the UK continental shelf, whichever is the greater distance.
- 2.3 “*Fishing Vessel*” means a vessel for the time being used for or in connection with fishing for sea fish, other than a vessel used for fishing otherwise than for profit, and for the purposes of this definition, “sea fish” includes shellfish, salmon and migratory trout (as defined by section 44 of the Fisheries Act 1981).

3. ILO 188 survey and inspection regime

- 3.1 A fishing vessel of 24m in length or over, or which normally navigates outside the limits in 2.2(b) must be surveyed -
- 3.1.1 before a Work in Fishing Convention Certificate is first issued (“an initial survey”); and
 - 3.1.2 at regular intervals thereafter, as set out in 3.2 (“a renewal survey”).
- 3.2 Renewal surveys for a Work in Fishing Convention Certificate are due
- 3.2.1 For vessels over 24m in length, every four years; and
 - 3.2.2 For other vessels, every five years.



- 3.3 Fishing vessels which do not require a Work in Fishing Convention Certificate will be inspected every five years for compliance with ILO 188.
- 3.4 Surveys and inspections must be conducted by an authorised certifying authority – either the MCA or another body approved by the Secretary of State.
- 3.5 As far as practical, surveys and inspections for compliance with ILO 188 will be carried out at the same time as survey for the renewal of the vessel's fishing vessel certificate.

4. Transitional arrangements

- 4.1 All fishing vessels which require a Work in Fishing Convention Certificate must have this by 30 November 2019. The first Certificate will be issued for the period of validity of the fishing vessel certificate i.e. until the next renewal survey to ensure in the longer term that the two surveys are harmonised and can be carried out on the same visit.
- 4.2 Other fishing vessels will be inspected under ILO 188 at the first renewal or intermediate survey for their fishing vessel certificate. Thereafter inspection will be harmonised and carried out alongside the renewal survey.
- 4.3 This will ensure that living and working conditions have been inspected on all fishing vessels by the end of 2021.

5. Mandatory Standards

- 5.1 The standards which fishing vessels must meet in order to be issued with a Work in Fishing Convention Certificate, or for the purposes of an inspection of living and working conditions ("the UK Work in Fishing Convention Standards") are listed in Annex A to this notice.

6. Organisation of inspections

- 6.1 MCA will follow the ILO Guidelines on Flag State Inspection for the Work in Fishing Convention, 2007. These Guidelines can be viewed on the ILO website at https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_428592/lang--en/index.htm
- 6.2 Chapter 3 explains how inspections of the living and working conditions may be carried out under ILO 188, and possible deficiencies that may occur for each Article. Further guidance on the actions that surveyors may take when deficiencies have been identified can be found in chapter 4 of the same document.

7. Inspection report

- 7.1 The attending surveyor will complete a report listing any deficiencies that have been noted during the survey or inspection. The report is to be given to the skipper. A copy will also be sent to the owner and MCA will hold a copy on file.

8. Certification

- 8.1 If the fishing vessel requires a certificate (see paragraph 2.2), on completion of a successful survey, a Work in Fishing Convention Certificate will be issued.
- 8.2 The form of a Work in Fishing Convention Certificate is at Annex B. Subject to the transitional arrangements set out in section 4, a full-term certificate is valid –
 - 8.2.1 For a vessel of 24m or over, for a maximum of four years;



8.2.2 For a vessel under 24m, for a maximum of five years.

8.3 The certificate will be valid from the date of completion of the survey and generally is valid for no more than 4 years or 5 years (as applicable – see 8.2). However, if the renewal survey is carried out is completed within the 3 months immediately before the expiry date of the Work in Fishing Vessel Certificate, the expiry date of the subsequent certificate will be five years from the expiry date of the previous certificate. If the renewal survey is carried out outside the 3-month “window” the expiry date of the new certificate is 4/5 years after the date of completion of the renewal survey.

8.4 The certificate ceases to be valid –

8.4.1 Upon transfer of the fishing vessel to the flag of another state;

8.4.2 If the person named on the certificate as the fishing vessel owner ceases to have responsibility for the operation of the fishing vessel;

8.4.3 If substantial changes are made to the fishing vessel’s accommodation or to its food and catering facilities; or

8.4.4 If the fishing vessel’s accommodation or the vessel’s food and catering facilities have sustained damage or otherwise become deficient and that damage or deficiency has not been rectified.

8.5 If additional inspections of living and working conditions on board are required between surveys, for example as the result of a complaint, the certificate will be endorsed by the attending surveyor.

8.6 The fishing vessel owner and skipper must ensure that the certificate is carried on board the vessel and posted in a conspicuous place on board, where it is available to fishermen.

8.7 It must also be made available on request to –

8.7.1 MCA surveyors;

8.7.2 Authorised officers in port states; and

8.7.3 Shipowners’ and seafarers’ representatives.

9. On shore complaints

9.1 Any fisherman may lodge a complaint with the MCA (acting for the Secretary of State) if they believe that their living and working conditions on board do not comply with the requirements of the UK Work in Fishing Convention Standards. MCA will treat the complaint in confidence.

9.2 The fishing vessel owner and skipper must ensure that any fisherman who raises a complaint, whether through an on-board complaints procedure, or with the MCA, does not suffer detriment as a result of that complaint.

9.3 Information about the complaints process is contained in MGN 589(F).

9.4 MSN 1849(M) sets out best practice for on board complaints procedures, based on ACAS guidelines.

10. Fees

10.1 The standard MCA fee will be charged at an hourly rate for survey of a fishing vessel over 24m leading to issue of a Work in Fishing Convention Certificate. There is fee for inspection of living and working conditions on other fishing vessels.

11. Inspection of non-UK fishing vessels in UK waters



- 11.1 When non-UK vessels are in UK waters, the MCA has the powers to inspect them for compliance with ILO 188. Where the fishing vessel flies the flag of a country which has ratified ILO 188 the inspection will primarily be to ensure that there is a valid document of compliance with ILO 188 in force for the vessel. Where the fishing vessel flies the flag of a non-ratifying country, the inspection will be to ensure that living and working conditions on the vessel are in compliance with ILO 188 standards.
- 11.2 Under Article 44 of ILO 188, the UK as a ratifying country will apply the Convention in such a way as to ensure that the fishing vessels flying the flag of any State that has not ratified ILO 188 do not receive more favourable treatment than fishing vessels that fly the flag of any Member that has ratified it.
- 11.3 Inspections will be carried out taking account of the ILO Guidelines for port State control officers on ILO 188. The Guidelines can be viewed at https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_177245/lang--en/index.htm

More Information

Seafarer Safety and Health Branch
Maritime and Coastguard Agency
Bay 2/17
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel : +44 (0) 203 8172505
e-mail: workinfishingconvention@mcga.gov.uk

Website Address: www.gov.uk/government/organisations/maritime-and-coastguard-agency

General Enquiries: infoline@mcga.gov.uk

File Ref: Insert MCA File Reference

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telephone numbers are correct at time of publishing

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Safer Lives, Safer Ships, Cleaner Seas



The United Kingdom Work in Fishing Convention Standards

<i>Instrument</i>	<i>Provision</i>	<i>Merchant Shipping Notice (where applicable)</i>
A. Minimum age		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018 ⁽¹⁾	Part 2	MSN 1882 (F)
B. Medical examination		
The Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations 2018 ⁽²⁾		MSN 1883 (F) MSN 1815 (M) Amendment 1
C. Manning and Hours of Rest		
The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004, as amended ⁽³⁾		MSN 1884 (M)
D. Crew List		
The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Fishing Vessels) Regulations 1972, as amended ⁽⁴⁾	Part II	
E. Fishermen's work agreements		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 3	
F. Repatriation		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 4	
G. Payment of fishermen		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 3	
H. Accommodation and food		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 5	MSN 1871 (F) Amendment 1 MSN 1872 (F) Amendment 1 MSN 1872 (F) Amendment 1
I. Medical care		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 6	
The Merchant Shipping (Medical Stores) Regulations 1995 ⁽⁵⁾	Regulations 4 to 11	MSN 1768 (M+F)
J. Health and safety		
The Merchant Shipping and Fishing Vessels (Health and Safety) (Employment of Young Persons) Regulations 1998 ⁽⁶⁾	Regs 5, 6(1) – (5)	MSN 1882 (F)

⁽¹⁾ S.I. 2018/1106

⁽²⁾ S.I. 2018/1108.

⁽³⁾ S.I. 2004/1713 amended by S.I. 2018/1109

⁽⁴⁾ S.I. 1972/919 amended by S.I. 2018/1109

⁽⁵⁾ S.I. 1995/1802. Relevant amending instrument is S.I. 1996/2821.

⁽⁶⁾ S.I. 1998/2411.



	and (8) and 9	
The Merchant Shipping (Health and Safety at Work) Regulations 1997 ⁽⁷⁾	Regs 5, 7, 12(1) and (2), 15, 16(1)(b)(ii) 19(1)(b)(ii) and 20	

⁽⁷⁾ S.I. 1997/2962. Relevant amending instruments are S.I. 1998/2411, S.I. 2001/54, S.I. 2014/1616, S.I. 2015/1692 and 2018/1109.



Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Article 43.1 of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

<i>Additional Inspection: (if required)</i>	Name	<input type="text"/>	┌ ┐ └ ┘ ┌ Official stamp └
	Signed	<input type="text"/>	
	Date	<input type="text"/>	
	Marine Office	<input type="text"/>	
<i>Additional Inspection: (if required)</i>	Name	<input type="text"/>	┌ ┐ └ ┘ ┌ Official stamp └
	Signed	<input type="text"/>	
	Date	<input type="text"/>	
	Marine Office	<input type="text"/>	



The Master should arrange for a copy of this form to be posted on the notice board for the information of fishermen

MSF 1335 Rev 1018 Form A

 Maritime & Coastguard Agency	REPORT OF INSPECTION OF FISHERMEN'S WORKING AND LIVING CONDITIONS
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1. Maritime and Coastguard Agency, HQ [Branch] 105 Commercial Road, Southampton SO15 1EG UK; Tel: 020 3817 2xxx

2. Name of fishing vessel		3. Port of Registry	
4. IMO Number	5. Official (RSS) Number		6. Fishing number
7. Registered length		8. Overall length	
9. Date on which keel was laid		10. Date of Inspection	
11. Place of inspection		12. Usual pattern of operation	

12. Scope of inspection

No.	Area examined (x)	Conditions	Deficiency (Y/N)	Remarks
1.		Minimum age		
2.		Medical examination		
3.		Manning		
4.		Hours of rest		
5.		List of crew		
6.		Fisherman's Work Agreement		
7.		Use of any licensed or certified or regulated private recruitment and placement services		



8.		Payment		
9.		Accommodation and food		
10.		Medical care		
11.		Health and safety and accident prevention		
16.		Protection in case of work-related sickness, injury or death		

This report must be retained on board for a period of
(a) 5 years (vessels under 24m in length)
(b) 4 years (vessels of 24m in length or over)

and must be available for consultation by MCA officers at all times.

MCA Office Address	MCA office stamp	Name: (duly authorised surveyor of issuing authority)
		Signature
		Telephone: +44 (0)
		Fax: +44 (0)
		Email:

