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Implementation of ILO Work in Fishing Convention (ILO 188) into UK Law

Maritime Health Seminar 2017

Fit to Fish

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ILO 188. What is it?

- An international minimum standard regulating living and working conditions on board fishing vessels.
- Based on tripartite agreement reflecting the needs of the fishing industry.
- Came into force internationally on 16 November 2017



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What does it do?

Entitles all fishermen to:

- written terms and conditions of employment (a fisherman's work agreement),
- decent accommodation and food,
- medical care,
- regulated working time,



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What does it do?

- repatriation,
- social protection and health and safety on board,
- provides minimum standards relating to recruitment and placement and
- Medical examination and certification



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Why Implement ILO 188?

- Improve the living and working conditions for all fishermen (including migrant fishermen) working onboard UK Fishing vessels or in UK waters.
- Update our existing legislation to comply fully with ILO 188 standards.
- Comply with stakeholder wishes.
- Commercial advantages for our larger vessels visiting foreign ports



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Main Gains for UK/MCA

- ILO 188 regulates non employed (share fishermen) as well as employed ones
- UK has been seeking to extend health and safety provisions to share fishermen for some time.
- Requirement for fishermen to be medically fit to work. (No existing medical fitness requirements for UK fishermen)



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Main Gains for Fishermen

- Transparency
- Minimum Standards of accommodation
- Legislative framework to build on.
- Internationally agreed minimum standards of living and working conditions.



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Development

Formed a tripartite working group in 2014 to advise on ILO 188 implementation in the UK.

Government.- MCA and DfT

- Industry. Fishing Federations
- Fishermen - Fishermen's Mission and Nautilus International
- Prepared a package of documents for public consultation.



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Development

Seafarer safety and health is not a devolved responsibility.

MCA will implement ILO 188 for the UK (England Scotland, Wales and Northern Ireland)



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What is MCA doing?

- Refining and developing proposed legislation and guidance following public consultation
- Training Surveyors
- Continue to develop the proposed medical fitness standards for Fishermen



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When will it happen?

8 week Public Consultation November –January
2018

ILO 188 came into force internationally 16
November 2017

Target date for UK Regulations come into force
May 2018.



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Medical Fitness Requirements

Use the existing medical and eyesight standards in MSN 1839

ENG1

Fishermen working on board vessels of over 24m in length or on any vessel which go to sea for more than three days at a time.

ML5

Fishermen on smaller vessels (which do not go to sea for more than three days at a time)



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Implementation of Medical Fitness Requirements

Timescale.

- Fishermen requiring ENG1 medicals need them as soon as UK implementing regulations are in place. (Some flexibility)
- ML5 medical certification requirement starts two years from the time that the regulations come into force in the UK.



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Eyesight Standards

Colour Vision

- New entrants to the industry required to meet the existing standards for eyesight.
- Existing fishermen who hold FV qualifications or work as watchkeepers and do not meet the existing standards may continue to work in their current role.
- Existing fishermen who wish to apply for a higher qualification required to meet the existing standards for eyesight.



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Eyesight Standards

Visual Acuity

Corrected Acuity

- All fishermen to meet the same corrected visual acuity standards as those required for MN seafarers

Unaided Acuity

- New entrants to the industry to meet the standards required for MN seafarers.
- Existing fishermen do not have to meet the unaided visual acuity standards. (Provided they meet the corrected standards as above)



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Grandfather Rights

Why?

- Want to implement ILO 188 standards without disadvantaging existing fishermen
- Grandfather rights often used when implementing new legislation.
- Lack of data about the fitness level within the UK industry



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Defining Grandfather Rights

1. Fisherman taking first ENG 1 or ML5 assessment
2. Demonstrate that they have been working as a fisherman in the last 5 years.
3. Evidence they are fit to work in current role
4. No risk that medical condition could lead to sudden incapacitation at sea.
5. Supporting evidence from owner or operator that they are fit to undertake their role.



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Now Over to You!



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Thank you for listening
Any questions?