



INTERNATIONAL LABOUR ORGANIZATION WORK IN FISHING CONVENTION (No. 188) PHASE IN PERIOD

Notice to all fishing vessel owners, operators and managers; employers of fishermen; skippers, officers and fishermen on fishing vessels

This notice should be read with the Merchant Shipping (Work in Fishing Convention) Regulations 2018.

Summary

This MGN

- Summarises the main changes for UK fishing vessels caused by implementation of ILO 188
- Lists the implementing legislation and supporting guidance for ILO 188 and explains where to find it.
- Outlines the timetable for progressive implementation of certain provisions of ILO 188

1. Introduction

- 1.1 The Government has made regulations to implement the International Labour Organizations (ILO) Work in Fishing Convention 2007 (ILO 188) into UK Law. The new Regulations set out a framework for the living and working conditions on fishing vessels which now apply to all commercial fishermen working on UK fishing vessels, regardless of employment status.
- 1.2 Some of the requirements of ILO 188, such as the requirement to carry medical stores, were already in place in UK legislation. Some come into force straight away and others will be phased in. The MCA has published guidance notices to help explain how the Regulations will be implemented and it is the responsibility of fishing vessel owners, skippers and fishermen to make sure that they understand the requirements.
- 1.3 The purpose of this MIN is to draw attention to the key areas of ILO 188, new legislation and the accompanying Merchant Shipping Notices (MSN) and Marine Guidance Notices (MGN), where you can find them and how together they implement ILO 188. This MIN also contains the phase in timetable for the provisions of ILO 188.



2. Main changes and coming into force dates

2.1 The main changes, with their coming into force dates, are –

2.2 Survey and inspection of fishing vessels - Phased in over three years

MCA is inspecting living and working conditions on vessels alongside the regular fishing vessel survey (i.e. at the next periodic or renewal survey that is due). However, fishing vessels operating at sea for more than three days which are over 24m in length or operating more than 200 miles from the UK or beyond the continental shelf will require a Work in Fishing Certificate by 30 November 2019. See MSN 1885 (F)

2.3 Fishermen's Work agreement (FWA) – In force from 31 December 2018

All fishermen (except for single handed owner operators) must have an ILO 188 compliant FWA. See MGN 583 (F)

2.4 Personal Flotation Devices (PFDs) – In force from 31 December 2018

The MCA require all fishermen to wear PFDs when working on deck unless they can demonstrate in a written risk assessment that other measures are in place which eliminate the risk of fishermen falling overboard. See MGN 588 (F)

2.5 Medical Certificates – Five-year phase in

All fishermen will need a medical certificate. This will be phased in over five years starting with the larger vessels which may be subject to inspection overseas (see section 7.2 for details) starting in May 2019 and more detailed information can be found in MSN 1883 (F). Those working on vessels under 24m in length which do not go to sea for more than three days or visit foreign ports will be required to have a medical fitness certificate by November 2023. There are “grandfather rights” for existing fishermen in certain circumstances. (See MIN 575 (F))

3. Share Fishermen

3.1 All the standards of ILO 188 apply to share fishermen as well as employed fishermen. This does not change the self-employed status of share fishermen.

4. Non-UK fishing vessels in the UK

4.1 The MCA will enforce the same requirements on non-UK fishing vessels in UK ports.

5. Legislation and Guidance

5.1 ILO 188 has been implemented into UK legislation, through a set of four statutory instruments (SI) which are available on www.legislation.gov.uk. They are:

- i) The Merchant Shipping (Work in Fishing Convention) Regulations
<http://www.legislation.gov.uk/uksi/2018/1106/contents/made>
- ii) The Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations
<http://www.legislation.gov.uk/uksi/2018/1108/contents/made>
- iii) The Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations
<http://www.legislation.gov.uk/uksi/2018/1107/contents/made>
- iv) The Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations
<http://www.legislation.gov.uk/uksi/2018/1109/made>



5.2 The SIs are supported by the Merchant shipping notices (MSN) listed below which are available on <https://www.gov.uk/government/collections/ilo-work-in-fishing-convention>
This table shows how ILO 188 is implemented in the SIs and which guidance applies:

ILO 188 PROVISIONS LOCATION IN UK SIs		GUIDANCE (WHERE APPLICABLE)
A. Minimum age		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018(1)	Part 2	MSN 1882 Minimum Age
B. Medical examination		
The Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations 2018(2)		MSN 1883 Medical Examination and Certification MSN 1815 Amendment 1 Equivalent Medical Certificates
C. Manning and Hours of Rest		
The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004, as amended (3)		MSN 1884 Working Time
D. Crew List		
The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Fishing Vessels) Regulations 1972, as amended (4)	Part II	MSN 1885(F) Survey and Inspection
E. Fishermen's work agreements		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 3	MGN 583 Fisherman's Work Agreement
F. Repatriation		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 4	MGN 584 Repatriation
G. Payment of fishermen		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 3	MGN 585 Payment of Fishermen
H. Accommodation and food		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 5	MSN 1871 Amendment 1 Construction and safe operation fishing vessels under 15m MSN 1872 Amendment 1 Safe working for



		construction and use of fishing vessels MSN 1873 (F) Amendment 1 Construction and safe operation of fishing vessels of 24m and over
I. Medical care		
The Merchant Shipping (Work in Fishing Convention) Regulations 2018	Part 6	MGN 586 ILO work in fishing convention medical care
The Merchant Shipping (Medical Stores) Regulations 1995(5)	Regulations 4 to 11	MSN 1768 (M+F) Applying the ships' medical stores regulations 1995
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) and (8) and 9	MSN 1882 ILO work in fishing convention minimum age
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	MGN 587 ILO work in fishing convention health and safety responsibilities

7. Progressive implementation:

7.1 The legislation will be phased in as follows.

31 December 2018	Minimum Age Requirements Employment of young persons including nightwork	MSN 1882 Min Age and H&S Protection for young persons	Existing requirement for employed fishermen New for self-employed share fishermen
31 December 2018	Manning and Hours of Rest	MSN 1884	Reporting of hours of rest by exceptions where a safety management system is in place to demonstrate compliance.



31 December 2018	Crew Lists for over 45m vessels	MSN 1891	This is an existing requirement
31 December 2018	Fishermen's Work Agreements (FWA) for employed and share fishermen	MGN 583	MGN contains model agreements, also available on www.gov.uk for downloading.
31 December 2018	Repatriation requirements	MGN 584	Existing requirement for employed fishermen. New requirement for share fishermen?
31 December 2018	Payment requirements	MGN 585	
31 December 2018	Accommodation (existing vessels and new builds already planned or under construction when the new regulations come into force)	FV Revised Codes MSN 1871 MSN 1872 MSN 1873	Existing vessels: Standards at build continue to apply but will have to meet the basic additional Code standards for existing vessels. MCA surveyors will work with owners to agree any changes required for compliance
31 December 2018	Accommodation under 24m vessels (new builds planning agreed after the regulations come into force)	FV Codes MSN 1871 MSN 1872	Build to ILO 188 standards
31 December 2018	Extension of existing health and safety regs to share Fishermen	MGN 587 & MGN 588	
31 December 2018	Duty of care, Procedures for prevention of accidents etc, including wearing appropriate PPE on board Wearing of PFDs unless a satisfactory alternative method has been identified through a written risk assessment, Risk assessment for Health and Safety.		New requirement for self employed share fishermen),
31 December 2018	Health Protection and medical care	MGN 582	Existing requirement for employed fishermen under MSA s45



30 November 2019	Manning requirements for FV over 24m in length and fishing vessels of any size at sea for more than 72 hours	MSN 1884	Safe manning document required for vessels of over 24m in length
30 November 2019	Crew accommodation (over 24m)	MSN 1873	New vessels
30 November 2019	Crew lists to be left ashore for fishing vessels less than 45min length	MSN to be developed to replace MGN 577	
30 November 2019	Compulsory financial security requirements for sickness, injury and death	MGN 582	

7.2 Medical Certification

The provisions for medical certification will be phased in as follows:

	VESSEL	OPERATING PATTERN	DATE MEDICAL CERTIFICATE REQUIRED	NOTES
1.	FV of any length	Subject to inspection in a foreign port	31 May 2019	ENG 1
2.	FV 24m in length or over	At sea for more than 7 days	31 May 2019	ENG 1
3	FV 24m in length or over to which 1 & 2 do not apply		30 November 2019	ENG 1
4	FV under 24m in length ²	At sea for more than 72 hours	30 November 2019	ENG 1
5	FV under 24m in length	Operating more than 200 miles from the coastline of the UK or beyond the Continental shelf	30 November 2019	ENG 1
6.	FV under 24m in length to which 1., 4. and 5. do not apply		30 November 2023	ENG 1/ML5 ^{8,9}

⁸ Any holder of a CoC for a vessel of 16.5m or more requires an ENG 1.

⁹ Fishermen working on FV operating in categorised waters on any vessel under 24m can use an ML5 as an alternative to an ENG 1



More Information

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