



INTERNATIONAL LABOUR ORGANIZATION WORK IN FISHING CONVENTION (No. 188) Recruitment and Placement of Fishermen

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

Summary

- Where recruitment and placement services (RPSs) are used to engage crew, it is the fishing vessel owner's responsibility to use only reputable RPSs.
- Recruitment and placement services (RPSs) based in the UK must comply with UK legislation which is briefly described in this Note (for full details, see the legislation which is listed in Annex A).
- If recruiting from RPSs based overseas, the fishing vessel owner should ensure that they are governed by legislation complying with the relevant international Conventions (see Section 5 and Annex B)
- RPSs must not prevent or deter fishermen from engaging for work by use of lists ("black-listing") or any other means or mechanisms.
- No fees or other charges may be made directly or indirectly, in whole or in part, on the fisherman for recruitment or placement.

1. Introduction

1.1 This notice sets out the main requirements of UK legislation to protect those seeking or being placed in work through RPSs (referred to in the UK as employment agencies or employment businesses). These requirements comply with the requirements of the ILO Work in Fishing Convention, 2007 (No. 188) on private employment agencies.

2. Responsibility of Fishing Vessel Owner

2.1 The fishing vessel owner is responsible for providing the skipper with the necessary resources and facilities to comply with the Work in Fishing Convention. This includes recruitment of the crew. Where crew are recruited through RPSs, the fishing vessel owner



must therefore ensure that the RPS meets relevant national and international standards. In the event that the RPS defaults on its obligations, the fishing vessel owner may be liable.

3. Employment agencies and employment businesses

3.1 In the UK, organisations which recruit and place people in work are defined as employment agencies or employment businesses.

3.2 Employment agencies find work for work-seekers who are employed and paid by employers. Once the worker has been taken on, they're an employee of the company they're working for.

3.3 Employment businesses engage a work-seeker under a contract who then works under the supervision of someone else. This is normally called 'agency work'. Workers under these arrangements are paid by the business instead of the company they're supplied to.

3.4 Most employment agencies and employment businesses based in the UK do not require a license to operate. However, they are regulated and may be subject to inspection by the Employment Agencies Standards Inspectorate for compliance with UK legislation.

3.5 In this notice, employment agencies and employment businesses are referred to as "recruitment and placement services" ("RPSs").

4. If you are using an RPS in the UK to recruit fishermen:

4.1 You must provide the RPS with the following information in time for any prospective fisherman to review it before they agree to join the vessel:

- terms and conditions of employment, including how they will be paid and how much; this may be in one or more documents but must be provided at the same time;
- arrangements for accommodation, including suitable accommodation before they join the vessel, if appropriate;
- where the fisherman will be working;
- the role to be filled, including hours of work etc,
- any qualifications or experience that are required to fulfil the role.

4.2 If you are a fishing vessel owner and will be employing engaging the fishermen directly, the Fisherman's Work Agreement that the fishermen will be working under includes most of this information and should be supplied to the RPS.

4.3 The RPS will also need to be able to confirm the identity of both you and the fisherman.

5. If recruiting from overseas

5.1 In order to ensure that fishermen recruited from RPSs overseas have appropriate protection, the fishing vessel owner should ensure that the country in which the RPS is based has ratified at least one of the following ILO Conventions:

- The ILO Work in Fishing Convention, 2007; or
- The Private Employment Services Convention, 1997 (No. 181) ("ILO 181") or
- The Maritime Labour Convention, 2006 ("the MLC")

5.2 A list of the countries which have ratified ILO 181 is [here](#).



- 5.3 A list of the countries which have ratified the MLC is [here](#). A check should be made that any provisions put in place for the protection of seafarers recruited in the country also apply to fishermen.
- 5.4 This will provide some assurance that the host country regulates and enforces international standards in respect of its RPSs.
- 5.5 If the RPS is based in a country which has not ratified one of these Conventions, you should try to ensure that the RPS is nevertheless operating to the same standards (see Annex B).

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) 203 817 2498
e-mail: workinfishing.convention@mcga.gov.uk

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

General Enquiries: infoline@mcga.gov.uk

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FURTHER INFORMATION

UK legislation:

[The Employment Agencies Act 1973](#)

[The Employment \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1981](#)

[The Conduct of Employment Agencies and Employment Businesses Regulations 2003 \(as amended\)](#)

[The Conduct of Employment Agencies and Employment Businesses Regulations \(Northern Ireland\) 2005 \(as amended\)](#)

STANDARDS FOR RECRUITMENT AND PLACEMENT SERVICES

1. What the RPS must do

A RPS recruiting fishermen must -

- give the fisherman information on their terms and conditions of employment and obtain their agreement before the fisherman is posted; this may be in one or more documents but must be provided at the same time;
- obtain information on the role to be filled, including hours of work etc, and any qualifications or experience that are required to fulfil the role, and give the fisherman the opportunity to agree to these terms;
- confirm the identity of both the hirer and the fisherman;
- confirm that the fisherman meets the qualifications or experience requirements for the role;
- keep proper records – see section 2 of this Annex.
- exercise due diligence to ensure that the fisherman will be
 - paid for all the work they do
 - paid holiday
 - not forced to more hours than are permitted by law
 - paid at least the National Minimum Wage (where applicable)
 - protected under health and safety laws
 - given written terms of employment (a fisherman's work agreement)
 - provided with suitable accommodation before they start work, and that suitable arrangements have been made for the fisherman to travel to such accommodation.
- **Records the RPS must keep about the fishermen for whom they find or are looking for work:**
 - their name, address and, if under 22, date of birth
 - any terms which apply, or will apply, between the RPS and the fisherman
 - any document recording changes to these terms
 - details of the fisherman's training, experience and qualifications and any authorisation to do particular types of work (and copies of any documents provided to the RPS relating to this)
 - details of any resulting engagements and when they start
 - a copy of any contract between the fisherman and a hirer that the RPS entered into on the fisherman's behalf
 - details of enquiries about the fisherman and the position concerned (including copies of all relevant documents and dates they were received or sent).

