

Original: English

DRAFT RECOMMENDATION BY ICCAT ON PROTECTING THE HEALTH AND SAFETY OF OBSERVERS

Proposal submitted by the United States

UNDERSCORING that observers collect data that are essential to the functions of the Commission and that the health and safety of observers is critical to their ability to perform their duties;

RECALLING the regional observer programs established in the *Recommendation by ICCAT on a Program for Transshipment* [Rec. 12-06] and the *Recommendation by ICCAT Amending the Recommendation 13-07 by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and Mediterranean* [Rec. 14-04];

CONCERNED that ICCAT's recommendations establishing regional observer programs do not include requirements that adequately protect the health and safety of observers;

ACKNOWLEDGING the need to include comprehensive and consistent requirements in relevant ICCAT recommendations to protect the health and safety of observers, in particular to supply necessary safety equipment and training and to establish emergency procedures with respect to ICCAT Regional Observer Programs (ROP);

RECALLING that the International Convention on Standards of Training, Certification, and Watch keeping for Fishing Vessel Certification (STCW-F), adopted by the International Maritime Organization (IMO) in 1995, sets forth safety training standards for observers and other fishing vessel personnel;

NOTING existing contracts between the ICCAT Secretariat and ROP observer providers that include observer health and safety requirements as well as associated materials establishing procedures for the implementation of such requirements;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF
ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

With regard to ICCAT's Regional Observer Programs, the following shall apply to ensure the health and safety of observers:

1. The Executive Secretary, through the observer provider, shall provide safety training to observers before they are deployed on a vessel for a trip. The Executive Secretary shall require the service provider to demonstrate the adequacy of its safety training program.
2. Before deploying an observer on a vessel for a trip, the Executive Secretary shall ensure the observer is issued the following safety equipment, either through the observer provider or otherwise:
 - a) an independent two-way satellite communication device and a waterproof personal life-saving beacon. This may consist of a single device such as a Satellite Emergency Notification Device, or a combination of an independent two-way satellite-based device, (e.g., a satellite telephone) and a portable lifesaving beacon (e.g., a Personal Locator Beacon or Emergency Position Indicating Radio Beacon);
 - b) other safety equipment, such as personal flotation devices (PFDs) and immersion suits, appropriate to the specific fishing operations and activities, including ocean area and distance from shore; and
 - c) pertinent personal protective equipment.
3. The Executive Secretary, either directly or through the observer provider, shall take all necessary steps, including those specified in subparagraphs (a) to (d) below, to ensure safe working conditions for observers and support their protection, security and welfare in the performance of their duties, including ensuring their access to medical care:

- a) Ensure that observers are only deployed on vessels that are outfitted with appropriate safety equipment, including the following:
 - i. A life raft of sufficient capacity for all personnel onboard and with a certificate of inspection that is valid throughout the observer's deployment;
 - ii. Life jackets of sufficient number for all personnel onboard and be compliant with International Convention for the Safety of Life at Sea (SOLAS) standards; and
 - iii. a properly registered Emergency Personal Indicator Response Beacon (EPIRB) or a Search and Rescue Transponder (SART) that will not expire until after the observer deployment ends.
 - b) Not deploy an observer on a vessel unless and until the observer is allowed to inspect all vessel safety equipment and document its status. In any event, observers shall not be deployed on vessels with outstanding safety discrepancies.
 - c) Develop and implement as soon as practicable an Emergency Action Plan (EAP). The EAP shall accommodate emergency situations that may arise during an observer's deployment, including interference, harassment, intimidation, assault, or other personal safety or health issues. At a minimum, the EAP must include a communications protocol and appropriate emergency contact information and, in particular, shall specify the following:
 - i. When to report. At a minimum, observers shall be required to report any instance of interference, harassment, intimidation, or assault as soon as possible after it occurs. Observers shall also be required to report as soon as possible any health issue that arises while deployed that impacts their ability to perform their duties.
 - ii. Who to report to. An official of ICCAT's observer provider, shall be designated to be responsible for maintaining and monitoring a device capable of receiving a signal from the approved independent two-way satellite communication device issued to the observer. The designated official shall also be responsible for maintaining regular contact with observers to confirm their health and safety status.
 - iii. Follow-up response. The EAP will include procedures for initiating contact with the observer, the vessel, and, where necessary and appropriate, the competent authority of the CPC with jurisdiction over the vessel. These procedures shall clearly describe the steps that must be taken by the Executive Secretary and the observer provider, in the event of emergencies, including, inter alia, situations significantly impacting the health, safety, and welfare of observers.
 - iv. Observer removal. The EAP will also describe the process to facilitate the disembarkation and, where appropriate, replacement of the observer, in a situation where observer removal is warranted.
 - v. Notwithstanding the above, if at any time the Executive Secretary, either directly or through the observer provider, determines that a serious risk to the health and/or safety of the observer exists, an observer shall not be deployed or shall be removed unless the risk is addressed.
 - d) Not deploy observers on a vessel where the CPC or non-CPC with jurisdiction over the vessel has previously failed to investigate any reported instances of observer interference, harassment, intimidation, assault, or unsafe working conditions or, where warranted, to take appropriate corrective action, consistent with their domestic law.
4. The Executive Secretary shall ensure that the observer provider compiles reports on observer incidents triggering the provisions of the EAP, including any corrective action taken by the flag CPC or non-CPC. The Executive Secretary shall also ensure these reports are transmitted to the Commission, consistent with applicable confidentiality rules, for its review at each annual meeting or, where warranted, more frequently.