

**REPORT OF THE MEETING OF THE AD HOC WORKING GROUP ON LABOUR STANDARDS (LSWG)**  
*(Online, 14-15 March 2022)*

## **1. Opening of the meeting and meeting arrangements**

The Chair of the Permanent Working Group (PWG), Mr. Neil Ansell (EU), opened the meeting and gave the floor to the Executive Secretary, Mr. Camille Jean Pierre Manel who introduced the participants.

Contracting Parties (CPs) present at the meeting included: Belize, Canada, China, El Salvador, the European Union, Gabon, Ghana, Gambia, Honduras, Japan, South Korea, Mexico, Norway, Senegal, St Vincent and the Grenadines, the United Kingdom, the United States, and Uruguay. The Cooperating non-Contracting Parties, Entities, or Fishing Entities (CNCPEs), Bolivia and Chinese Taipei, also participated.

Observers present at the meeting included the International Pole & Line Foundation (IPNFL), Marine Stewardship Council (MSC), Organisation for the Promotion of Responsible Tuna Fisheries (OPRT), and Pew Charitable Trusts (PEW).

## **2. Election of Chair**

The PWG Chair opened the floor to nominations for Chair of the Ad Hoc Working Group on Labour Standards (LSWG).

Ms. Alexa Cole (USA) was elected by acclamation.

## **3. Nomination of Rapporteur**

The United Kingdom nominated Mr. Luke Townley to serve as Rapporteur for the first meeting of the LSWG.

## **4. Adoption of agenda**

The LSWG Chair opened the floor for any comments on the amended agenda (**Appendix 1**), which reflected proposed changes from the United States as explained in the “Letter from United States to the LSWG” (**Appendix 2**). There were no additional comments on the revised Agenda, and it was adopted.

The List of Participants is attached as **Appendix 3**.

## **5. Scope of the issue**

### ***a) Presentation by invited experts: ILO representatives***

The Chair introduced invited experts from the International Labour Organisation (ILO), Ms. Christine Bader and Ms. Alix Nasri, who provided a presentation on the nuance and connectedness of illegal, unregulated, and unreported (IUU) fishing to forced labour and labour abuses in fisheries. The presentation also spoke to the scope of forced labour in the fishing sector on a global scale, its costs to the international community, and potential tools and recommendations to address the issue.

The experts noted some actions that could be taken, as follows:

National level:

- National legislation on labour standards for fishing vessels and vessels engaged in fishing related activities (C.188/MLC/P.29).

- Coordination of law enforcement (e.g., joint inspection between labour and fisheries, coordination mechanism). Vessels suspected could be permitted to enter ports rather than being denied access, labour standards officials could then inspect the vessels
- Pilots and trainings with ICCAT members, with ILO tools
- Transshipment practices
- Labour rights in Access Agreements
- Fishing licence conditions to include labour rights

Regional level:

- Coordinated action – exchange of information
- Monitoring and reporting of transshipment operations
- Research on labour abuses / transshipment / change of crew
- Fisheries observers
- Collaboration with Regional Fisheries Bodies (RFBs) to encourage inclusion of labour rights in minimum terms and conditions of access (e.g., FCWC, SRFP-CSR)

The experts also provided online resources to the Working Group:

1. [ILO training package on inspection of labour conditions on board fishing vessels](#)
2. [Guidelines on flag State inspection of working and living conditions on board fishing vessels \(ilo.org\)](#)
3. [Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 \(No. 188\) \(ilo.org\)](#)
4. A few examples captured in ILO's upcoming mapping of digital technologies supporting the elimination of forced labour in fishing: [New Study Unveils Risk of Forced Labor in Fisheries - Global Fishing Watch](#)

The Chair thanked the ILO experts for their presentation and opened the floor for comments and questions.

A CPC questioned the causal link between combating IUU fishing and a corresponding improvement in labour standards, stating that IUU fishers will not follow rules on labour standards. The CPC was not convinced that improving labour standards would result in a decrease in IUU fishing, and noted the importance of improving labour standards per se. In response, one of the ILO experts stated that in instances where fishers are the victims of labour rights abuses, it was often also found that IUU fishing was taking place. That said, she clarified that, while there was often a connection between the two issues, they were not the same.

In response to the ILO presentation of the ILO Indicators of Forced Labour, one CPC highlighted for discussion three of the 11 indicators: 1) restriction of movement, 2) retention of identity documents, and 3) extensive working hours. The CPC noted that these were indicators that may need tailoring to be applicable to the fishing industry where small space on vessels and long working hours at sea were inherent to the occupation. An expert responded that workers should be able to access their own documents at all times and employers should provide workers with their own individual lockers. Also, long periods of time at sea was a red flag from a labour standards perspective. Long working hours should not be imposed through threats and should be in line with the legislation of the flag CPC.

Another question was asked about how the mandate of Regional Fisheries Management Organisations (RFMOs) could ensure that work is done with other organisations to further the improvement of labour standards. An ILO expert responded that RFMOs should not take actions that would have the potentially unintended effect of obstructing labour standards officials from doing their work. For instance, allowing a vessel suspected of labour standards abuses to enter a port, rather than denying access, would allow it to be inspected by officials.

A CPC asked the ILO experts if they could provide additional details about how CPCs can work with the ILO, including soliciting more tailored trainings or resources, as well as what potential research activities ICCAT and the ILO might collaborate on at the regional level. The expert responded that the ILO has a number of trainings available through electronic means and others could be developed depending on the needs of the CPC. She also noted that the ILO needs to carry out research in the Atlantic as ILO does not have an accurate data set for the Atlantic region and that this data gap should be addressed.

The issues of wages and conditions for fishers was raised by a CPC. The CPC stated that industry was trying to lower labour standards to increase profits. The CPC questioned how ICCAT could implement some kind of level playing field for all CPCs. An ILO expert responded that if the minimum standards set by the ILO are followed by all parties internationally, it will ensure that fishers are protected around the world. The best level playing field is the use of unified minimum standards.

The Pew Charitable Trusts explained that, according to ILO reports, fishing was recognised as being one of the most dangerous occupations and that a dedicated agreement on making fishing vessels a safe working space, International Maritime Organisation's (IMO) 2012 Cape Town Agreement for the Safety of Fishing Vessels, has yet to enter into force. The Pew Charitable Trusts commended CPCs who have committed to ratifying it.

CPCs acknowledged the disparities in labour standards in ICCAT fisheries, including the potential for labour abuses, which bring with them a myriad of problems. CPCs expressed their commitment to work to improve this situation where needed in ICCAT fisheries.

The Chair thanked delegates for their questions and comments and noted that the ILO experts would be available to answer questions for the rest of the meeting.

## **6. Identification of priorities and objectives of the Ad Hoc Working Group**

### ***a) Review of information on labour standards relevant to ICCAT fisheries, including experiences of CPCs in improving and enforcing requirements regarding labour standards and the prohibition of labour abuses***

The Chair took the opportunity to reiterate the mandate of the Working Group and highlighted that the main goal in the Terms of Reference is to address labour standards in ICCAT fisheries, but that there is no predetermined route by which this should be achieved.

Some CPCs explained some of the actions they have been taking to ensure that labour standards are sufficient to combat forced labour in fisheries through domestic tools and programs. One CPC noted that it was targeting recruitment procedures to prevent potential labour abuses before fishers board vessels. Another CPC stated that forced labour would be a breach of its domestic criminal law and subject to severe penalties but that they were not aware of any such violations at the present time. Other CPCs also affirmed their commitments to improving labour standards in international fisheries.

### ***b) Cooperation with other relevant International Organisations***

The Chair opened the floor for comments from CPCs on cooperation with international organisations.

A CPC explained that there were a number of international organisations which could support the LSWG's work on labour standards and gave examples of such organisations, including the Food and Agriculture Organization of the United Nations (FAO), International Labour Organisation (ILO) and International Maritime Organisation (IMO). The PEW voiced its support for ICCAT collaborating with these organisations.

The Chair provided an update on the progress that another tuna-RFMO had made on this issue and noted that Western and Central Pacific Fisheries Commission (WCPFC) adopted a non-binding resolution in 2018, and that a Working Group had been established to progress work on a possible binding measure.

**c) Discussion of actions CPCs can take, individually and collectively, to improve labour standards in ICCAT fisheries**

The Chair highlighted that the purpose of the Working Group is to look at actions that could be taken as a group as well as actions that CPCs could take individually to improve labour standards. Referring back to the recommendations made in the presentation by ILO experts, the Chair suggested moving through the list to solicit comments and reactions from CPCs on each recommendation.

This approach was acceptable to the Working Group and, before beginning, a CPC suggested that an early action that CPCs could take on would be a review of resources on labour standards available to them domestically through civil society groups and other sources. A number of CPCs agreed with this suggestion.

The Chair then reviewed the list of items from the ILO presentation and asked for comments from CPCs, beginning with the actions that could be taken at the regional level.

A CPC stated that the item concerning the monitoring and reporting of transshipment operations should be considered. This would allow vessels to be boarded so that conditions could be assessed. A number of CPCs were of the opinion that any research being carried out in this area would need to be broad and cover a number of different areas.

The Chair stated that the work of fisheries observers and enforcement officials should be kept separate. There was agreement among some CPCs for the comments made by the Chair.

An ILO expert stated that fisheries observers should be able to alert the relevant colleagues if they had concerns. She also expressed concerns about the safety and welfare of fisheries observers themselves, given that there had been cases of disappearances.

Some CPCs did not think that it would be pertinent for an RFMO to attempt to establish minimum labour standards. These CPCs did not feel that such work would fall within the scope of the mandate of an RFMO and stated that mandate of the RFMOs was the management of fisheries.

On the other hand, several CPCs noted that this was a brainstorming session and, as such the Working Group should consider different ways of addressing issues with labour standards and try not to limit itself at this stage of the process.

A CPC explained that information sharing was of great importance and something that the Working Group should explore in future. The CPC also referenced the suggestion made by the ILO Experts on 'Pilots and training with ICCAT members, with ILO tools', stating that education campaigns outside of an inspection regime should be considered.

A comment on the 'Labour rights in Access Agreements' point was made by a CPC, expressing some doubt about this idea's relevance to ICCAT since ICCAT is not a body that prescribes the contents of access agreements. The CPC expressed its view that the inclusion of specific references to transshipment before conducting a broad review of labour issues in ICCAT fishery was not a good idea. Other CPCs reiterated that it was premature to rule out specific points at this stage of the process.

A CPC stated that it would be helpful for the Working Group to discuss work that could be undertaken to advance research on the labour conditions in ICCAT fisheries.

A suggestion was made that the Working Group ask the ILO to provide a paper containing more detailed recommendations on data gaps and research needs that the Working Group could then consider. This suggestion was generally supported by other CPCs.

An ILO expert stated that the ILO standards and indicators could help to begin addressing multiple issues. Convention 188 takes into consideration the specifics of the sector and could guide the work of the Working Group, in terms of considering possible minimum standards. The ILO is progressing work to ensure that various authorities around the world have a coordinated approach for tackling issues like labour standards. It was suggested that the ILO process to revise labour standards and indicators of forced labour include outreach to ICCAT and its CPCs, who will bring important information and expertise to the table. The ILO agreed that this would be valuable.

## **7. Consideration of a potential workplan of the Group, potential outputs, and assignment of intersessional tasks, as appropriate**

The Chair opened this Agenda item and asked delegates if they had any comments. The United States suggested that the Chair and CPCs be given time to contemplate the important information shared and discussed so far with a view to considering elements of a workplan before the end of the meeting.

The Chair opened the second and final day of the meeting. The draft Workplan, which had been prepared by the Chair, was presented to the Working Group and the floor opened for comments.

### ***Information Sharing and CPC Cooperation***

The Working Group members discussed creating an information repository. Several Working Group members made comments related to the wording choices of the first section of the workplan, including one CPC that requested the term ‘forced labour’ be replaced with a different term such as ‘labour abuses’. Working Group members agreed that there should be a standardized format for submitting information referenced in the workplan to ensure that it is understandable. One CPC clarified that legislation would not need to be translated to one of the three ICCAT languages to be submitted and suggested the exercise could be streamlined by CPCs only submitting high-level overview of information as well as the relevant excerpts from full legislative texts. The Working Group agreed that submitting information by CPCs was voluntary.

The Working Group members considered an additional workplan activity on information sharing which would involve submitting information on labour conditions detected in ICCAT fisheries to the ICCAT Secretariat. The Working Group agreed that this information would be shared only via the password-protected portion of the ICCAT website and stressed that submitting such information was voluntary but encouraged.

### ***Research, training, and capacity building with the International Labour Organization (ILO)***

One CPC suggested that a Memorandum of Understanding (MOU) might normally be put in place before a request for collaboration was made of other organisations. However, an ILO Expert explained that an MOU would not be necessary to proceed with the actions identified in the workplan. It was noted that, were activities between ICCAT and the ILO to expand or change in the future to a level where the Commission determined that an MOU would be warranted, the ILO had an MOU template from which the organisation could work.

### ***Review of updated ILO forced labour indicators for fisheries***

The language for this point was amended to clarify the process for CPCs to provide additional input from the ICCAT perspective to the ILO’s ongoing work to develop general forced labour indicators to apply to the fisheries sector. In response to a question from one CPC about the process within ILO to develop these indicators, the Working Group further clarified that this element of the workplan did not imply that ICCAT was endorsing or adopting any resulting indicators, which the ILO experts noted were developed as guidance to ILO constituents.

### ***Continuation of the ad hoc Working Group***

The Working Group agreed to recommend to the Commission that the Working Group meet again in 2023. The Working Group also agreed to provide an initial report to the 15th Meeting of the Integrated Monitoring Measures (IMM) in June of 2022 to increase the transparency of its work prior to reporting its activities and recommendations to the Commission at the 2022 ICCAT annual meeting.

### ***Future Work***

An additional section, ‘Future Work’, was added to the draft workplan to acknowledge that this workplan represented an initial set of activities, but the workplan may be expanded in the future as the LSWG continues to consider the important issue of labour standards with a view to identifying new needs, activities, and approaches within the Group’s mandate to address the issue.

At the conclusion of discussions, the Working Group members agreed to the workplan and it was adopted (**Appendix 4**).

## **8. Other matters**

A question was asked by the United Kingdom on how research undertaken by the ILO for ICCAT would be funded. Chair responded that it would be necessary to understand the cost of the work, if any, before a decision could be made on this. The United Kingdom also asked if work being carried out on labour standards in WCPFC could be used as a case study to inform ICCAT work in this area. It was noted that it would be useful for the Working Group to track the progress of discussions by WCPFC and other RFMOs on the labour standards issue in their fisheries.

## **9. Adoption of Report and closure**

CPCs agreed that the report would be adopted by correspondence.

The Chair thanked everyone present for their contributions and closed the meeting.

**Agenda**

1. Opening of the Meeting and meeting arrangements
2. Election of Chair
3. Nomination of Rapporteur
4. Adoption of Agenda
5. Scope of the issue
  - a) Presentation by invited expert – such as ILO representative – on scope of the issue
6. Identification of priorities and objectives of the *ad hoc* Working Group
  - a) Review of information on labor standards relevant to ICCAT fisheries, including experiences of CPCs in improving and enforcing requirements regarding labour standards and the prohibition of labour abuses
  - b) Cooperation with other relevant International Organisations
  - c) Discussion of actions CPCs can take, individually and collectively, to improve labour standards in ICCAT fisheries
7. Consideration of a potential workplan of the Group, potential outputs, and assignation of intersessional tasks, as appropriate
8. Other matters
9. Adoption of Report and closure

**Letter from United States to Working Group on Labour Standards**

7 March 2022

Mr. Camille Jean Pierre Manel  
Executive Secretary  
International Commission for the Conservation of the Atlantic Tunas  
C/ Corazon de Maria, 8, 6th Floor  
28002 Madrid, Spain

**Subject: First Meeting of the *ad hoc* Working Group on Labor Standards**

Dear Mr. Executive Secretary:

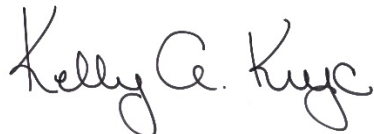
I am writing in response to Circular # 0441/2022 related to the first meeting of the *ad hoc* Working Group on Labor Standards, scheduled for March 14-15, 2022. After preliminary discussions held at the 2021 IMM and ICCAT annual meetings, we look forward to beginning work on this important subject in earnest.

The United States appreciates the work of the Secretariat and the PWG Chair to prepare a tentative agenda for the meeting. After reviewing it, the United States has some suggested edits, which are intended to further focus and organize discussions with a view to ensuring they are as productive as possible. A revised version of document LS-01 containing our proposed edits in track changes is attached. If these edits are acceptable, the United States would encourage CPCs to provide relevant information pursuant to new proposed agenda items 6a before or during the meeting to facilitate working group review of labor standards, including any experiences individual CPCs have had related to improving and enforcing labor standards and the prohibition of labor abuses, as called for in Resolution 2021-23, paragraph 4.

I would also like to take this opportunity to notify CPCs that the United States intends to nominate Ms. Alexa Cole to serve as the Chair of this Working Group. The United States has a keen interest in this issue as indicated by our sponsorship of the proposal that created this working group (Res. 21-23). Ms. Cole brings a wealth of legal and policy expertise to the international arena as well as experience in chairing RFMO meetings. She is well-qualified to guide the work of this new group to ensure constructive discussion and outcomes for the Commission, and I hope you will support her.

I would be grateful if this communication could be translated and circulated to all CPCs at your earliest opportunity.

Sincerely,



Kelly A. Kryc, Ph.D.  
Deputy Assistant Secretary for International Fisheries  
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**Appendix 4****Notional initial workplan of the ICCAT *ad hoc* Working Group on Labor Standards***(Presented by the Working Group Chair)*

After initial discussions amongst Working Group members during the *First Meeting of the Ad Hoc Working Group on Labour Standards* on 14 March 2022, the following initial priority workplan actions were identified:

**Information Sharing and CPC Cooperation**

- Creation of an information repository
  - The ICCAT Secretariat, in consultation with the Working Group Chair, will establish on the ICCAT website a repository of voluntary information related, in particular, to labor abuses and safety issues affecting fisheries management. The repository should include:
    - Relevant international instruments;
    - Publicly available guides and training materials developed for use by the inspection personnel, observers, stakeholders, or others;
    - Report on relevant elements in domestic legislation, including references to such legislation, and information on domestic implementation (e.g. relevant agencies responsible for implementing; how legislation is enforced – criminal/civil – etc.), submitted by CPCs in an agreed format.
  - To facilitate information sharing and cooperation, CPCs should, as soon as possible, on a voluntary basis, provide to the ICCAT Secretariat for inclusion on the password protected portion of the ICCAT website, relevant information on issues/problems associated with labor conditions, in ICCAT fisheries including those detected through their monitoring, control, and surveillance programs, as appropriate and consistent with applicable confidentiality requirements.
- CPCs should make special efforts to begin populating the repository and providing their information in advance of the 15th Meeting of the Integrated Monitoring Measures (IMM) Working Group meeting scheduled for June 2022.

**Research, training, and capacity building with the International Labour Organization (ILO)**

- To inform potential future collaboration with the ILO, the Working Group requests that the Secretariat send a request to the ILO to develop a short paper outlining specific concepts for collaborative research and training in ICCAT fisheries.
- The Working Group will review the ILO's assessment of concepts for collaborative research and training and consider what possible actions CPCs could take individually and collectively, including in cooperation with other international organizations as appropriate, to fill identified gaps and improve labor conditions in ICCAT fisheries.
- The Secretariat will work with ILO to develop, if helpful, a future Memorandum of Understanding between ICCAT and ILO.

**Review of updated ILO forced labor indicators for fisheries**

- The Working Group will cooperate with the ILO to review and provide feedback on the fisheries sector from CPCs to inform the tailoring of the general forced labour indicators developed by ILO to provide guidance to ILO constituents.



- This review will be carried out with a view to providing ICCAT’s knowledge and expertise into the process of updating the forced labor indicators as well as for determining the indicators most relevant to ICCAT fisheries.

**Continuation of the ad hoc Working Group**

- The Working Group will recommend to the Commission that it continue its work in 2023 to further develop these work areas. The Working Group will also provide an initial report to the IMM Working Group meeting in June 2022 in order to facilitate transparency and seek additional input and discussion, as appropriate.

**Future Work**

- The Working Group should consider identifying best practices on labour standards taking into account the relevant information available.
- The Working Group may consider making any additional efforts on this issue required in the future.