

## **Social clause to be inserted in the Fisheries Partnership Agreements (FPAs) with third countries**

1. The 1998 Declaration of the ILO on fundamental principles and rights at work as well as the eight ILO Fundamental Conventions<sup>1</sup> are fully applicable to the fishermen on board EU vessels. This includes the freedom of association and the effective recognition of the right to collective bargaining, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.
2. Conditions of employment, including remuneration levels, shall be negotiated between the fishing vessel's owners or their representatives, the local employer(s) or his/their representative(s) and the fishermen and/or their trade unions. Representative trade unions should be informed at their request about the negotiation.
3. In any case, the remuneration levels of local fishermen cannot be lower than those applicable to the crew in the coastal State signatory of the fishing agreement with the EU.
4. As soon as ILO Convention 188 enters into force, living and working conditions on board EU vessels operating through agreements with third countries have to be in line with the provisions of the Convention, as applicable. The fishing vessel's owner guarantees to the local fishermen on board EU vessels equivalent living and working conditions applied to the EU fishermen.
5. Each fisherman shall receive a copy of the contract of employment, where the remuneration level, hours of rest and conditions of employment are clearly stated or containing a reference to the collective bargaining agreement (CBA) governing these subjects. If the fishing vessel owner is not the employer, the contract of employment shall specify the name of the fishing vessel owner and the flag State.
6. The employer must provide to each fisherman a payslip reporting the full remuneration and, if remuneration is based, in whole or in part, on hours worked, the hours worked in the period of engagement as well as the function. The fishing vessel owner shall ensure that the employer fulfils this obligation.
7. The periodical evaluations of the FPAs should include an assessment of the application of the principles stated above, in close collaboration with the SSDC-F.

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<sup>1</sup> Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)  
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)  
Forced Labour Convention, 1930 (No. 29)  
Abolition of Forced Labour Convention, 1957 (No. 105)  
Minimum Age Convention, 1973 (No. 138)  
Worst Forms of Child Labour Convention, 1999 (No. 182)  
Equal Remuneration Convention, 1951 (No. 100)  
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

8. The flag state competent authorities should include the application its laws, regulations or other measures implementing the social clause as part of their regular inspections.
  9. At the discretion of the skipper and under his authority, representatives from trade unions of fishermen may be allowed to come on board the vessel when in port, in order to contact the crew of the vessel and seek information on existing working and living conditions on board and assist the crew as appropriate.
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