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A Socially Sustainable EU Common Fisheries Policy: Workers' organisations' participation in the fisheries, aquaculture and processing sectors

Discussion Paper 2:

Health and safety, working conditions, organising, and collective bargaining in the fish industry

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**EUROPEAN TRANSPORT
WORKERS' FEDERATION**



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Glossary of Terms

Seafood Sector / Fishery Industry – Includes all aspects of the seafood supply chain including Fishing, Aquaculture and Seafood Processing.

Sustainable – Refers to all the three pillars of sustainability; Social, Environment and Economy.

The Common Fisheries Policy (CFP) – The CFP is a set of rules for managing European fishing fleets and for conserving fish stocks. Designed to manage a common resource, it gives all European fishing fleets equal access to EU waters and fishing grounds and allows fishermen to compete fairly.

Fishery workplace – Includes working on fishing vessels, at seafood production areas or at fish farms. These workplaces could be at sea or on-land and generally involve risks that are specific to the seafood sector.

Fisheries Workers – Includes those employed and self-employed in the fishery industry. There is no common and agreed EU definition of self-employed. This is partly explained by the fact that most of the legislation at EU level does not cover self-employed individuals. As a result, self-employed are defined as not belonging to other categories of workers (employees, workers etc.) rather than being covered by a specific definition.

Personal Protective Equipment – PPE, includes protective clothing, head gear, protective eye wear or any other garments or equipment designed to protect the wearer for risk or injury.

Health and Safety (H&S) – Regulations and procedures which are intended to prevent accidents or injuries in a workplace or public environment.

Occupational Safety and Health – OSH, a multidisciplinary field of health and safety of people in the workplace.

Work Place Injury/Accident – A work place accident/injury, also known as occupational accident, is an occurrence at work leading to physical or mental occupational injury.

Preventative Measures – Slowing or preventing the course of accident or injury.

Regulatory Framework – A series of steps taken to develop regulations, an accountability mechanism.

SOLAS – Safety of Life at Sea, relating to the 1974 Convention specifying minimum standards for the construction, equipment and operation of ships, compatible with their safety.

STCW-F – Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, relating to the international convention that entered into force in 2012.

1. Introduction

1.1 Objectives

This report is an output of a project undertaken by ETF and EFFAT, and contractors Charmelien. The main objective of the project is to understand the social impacts and ‘human’ consequences of the European Union (EU) Common Fisheries Policy (CFP). This is an opportunity for workers’ rights to be more explicitly integrated within the CFP, as yet they are wholly unrepresented. It is imperative that these impacts and consequences are identified, documented and addressed in the next reform, so that social sustainability is mainstreamed in future versions of the CFP. The CFP is due for review in 2020, offering an opportunity to create such changes through smart advocacy.

The importance of fishers’ health and safety, working conditions, organising and collective bargaining

This paper briefly reviews health and safety for fisheries workers in the fishing, processing and aquaculture sectors (the seafood sector) and offers discussion points to Affiliates for mainstreaming the CFP. The focus is within the jurisdiction of the European Union, with particular reference to the European Directive 103/93 Health and Safety in Fisheries and other relevant regulations and initiatives that are in place.

Fishing is openly accepted as a highly dangerous occupation with shocking statements like ‘fishermen having a one in twenty chance of being killed on the job’ and the ‘Deadliest Catch’, common statements associated to fishing. Data on accidents and injuries is very limited, often out of date and likely it does not tell an accurate picture due to under-reporting. The unclear regulatory framework and lack of health and safety objectives within the CFP is a failure of managers to protect the workers within the seafood sector.

Whilst improvements have been made to the environmental performance of fisheries; worker health and safety has not seen the same level of improvement. Seafarers UK, a charity working on and for fishers’ health and safety, state that given the unstable work that is carried out at sea - moving equipment and incidences of unsafe harbour infrastructure - there is no surprise that accidents are so common (2018).

Fisheries are often excluded from the provisions of international maritime conventions. The lack of focus on improvements in fishing crew health and safety is highlighted when reviewing international shipping conventions. European Parliament Committee on Fisheries (PECH, 2018) suggests this is due to maritime administrations having difficulty addressing safety aspects of the fishing industry. Due to this exclusion in conventions, there is an urgent need for a policy change. The principle responsibility is with formulation and enforcement of regulations to improve the standards of health and safety. Laws and regulations are historically ineffective due to a culture of fisheries which is oriented toward taking risks to earn a sufficient or greater income, along with a ‘bravado’ nature which seeks high rewards by taking risks.

Fishery workers on-land also face many hazards that are specific to the seafood sector. A lack of training of handling fishing equipment can lead to dangerous incidents, and working without adequate equipment can exacerbate the risk. Improper maintenance of the equipment is cited as a significant risk as a broken component or a malfunction can lead to significant accidents and injuries.

Studies have found that the rapid processing of fish and shellfish can lead to an ‘aerosol’ of biological particles that hang in the air and are inhaled by workers. If those fish had been infected with bacteria or fungi, inhaling the particles can cause workers to get sick. Contact with the fish may also cause allergic reactions and skin irritations for sensitive workers (e.g. fish such as tuna with high histamine levels). Manual work with processing and cutting fish can cause abrasions, cuts, and potentially infections, also dangerous for workers with seafood allergens. Appropriate health awareness, training and barrier clothing are all important to processing workers.

Common injuries in the seafood processing sector include frostbite on exposed hands and fingers due to working in cold conditions and cuts because they are working with sharp equipment: knives for manual work and blades in automatic machinery. Even the fish itself can cause injuries, including cuts and punctures from spines and bones.

The reported prevalence of occupational asthma associated with fish processing is 2–8%, and occupational Protein Contact Dermatitis (PCD) and urticaria is 3–11%. The prevalence of epicondylitis and carpal tunnel syndrome is around 15%. Musculoskeletal disorders of the neck and shoulders occur in 31–35% of the workforce, with younger untrained or unskilled women being more adversely affected (BMJ, 2004).

Less obvious or sector specific risks include repetitive stress injuries as workers stand of long hours and repeat the same motions. They also have to lift a lot of heavy cargo and carry processed fish into freezers, which can lead to back and joint injuries. Workers may experience hearing damage due to excessive machinery noise levels.

The worst kinds of accidents with fish processing equipment happen when a worker gets caught in a machine, this can be fatal or result in lost limbs/digits.

Aquaculture is equally important as despite being one of the most hazardous industries in the world, the risks posed by fish farming have been generally neglected (Stirling University, 2018). Estimates vary, but it seems the rate of injury/illness is around 6 times above the average. The IUF noted in 2014 that organising around health and safety issues could be unifying since all segments of the seafood value chain, have similar safety and health issues, from aquaculture to fish and seafood processing.

Whether aquaculture is on land or at sea due to the characteristics of water-based production there is an inherent risk of drowning. The fishery production falls between regulatory gaps, not being agriculture and having these specific characteristics relates to seafood.

In conclusion, working in the EU fishing, seafood processing sectors is a dangerous occupation with unclear, inconsistent regulations:

- An estimated 133 lives were lost in the fishing industry in Europe between 2000 and 2010¹.
- Back pain and arthritis are common health conditions experienced by fishermen as a consequence of their work environment. Typical injuries experienced by fishermen

¹ Lloyds Register 2018

include fractures, partial loss of fingers and fingertips and a lost thumb. While many hand injuries were caused by filleting knife accidents.

- Up to a third of seafood processing workers face neck and shoulder injuries.
- The aquaculture workplace can be 6 times more dangerous than the average.
- Only three EU member states have ratified the Cape Town agreement and (a different) three-member states brought the ILO Convention 188 into force.
- Seven-member states have ratified SFV Protocol 93 (Torremolinos Protocol of 1993 Relating to The Torremolinos International Convention For The Safety of Fishing Vessels, 1977).
- Nine coastal Member States (MS) have not ratified these or STCW-F 95.

What does this discussion paper cover?

This paper is specifically aimed at stimulating discussion at the 2nd EFT/EFFAT Seminar being held in Venice, Italy, on the 14th and 15th November 2018 on Health and Safety, working conditions, and organising and collective bargaining in the seafood sector.

The intent of the Seminar is to gain the input of Trade Unions into recommendations that can be taken forward with the European Commission and other parties relevant to the next review of the CFP, or other regulations that impact the EU seafood sector and those who work within it.

The paper outlines the current situation of the EU seafood sector in relation to health & safety, working conditions, organising, and collective bargaining in the EU. It aims to present the principle issues, raise awareness and understanding, create structure around the debate, and guide discussions of workers' organisations' participation in the fishing, aquaculture and processing sectors (referred to collectively as the seafood sector).

Perceived deficiencies in regulations to protect fishery workers' or promote health and safety and the impact of such deficiencies will be explored in this paper, and at the seminar. The intention is to build consensus between Trade Unions; agree priorities in the area of worker health and safety, organising and collective bargaining, and ways of engaging with decision makers to ensure the mainstreaming of positive social impact in the upcoming CFP reform, through the inclusion of Trade Union views in decision making.

The report is structured into a review of the regulatory framework and existing literature, formation of discussion points and potential next steps.

Input from the Trade Unions about their own and local experiences and forming these into recommendations for consideration or inclusion in the reform is expected at the Seminar.

1.2 Approach of the project

This paper and seminar are part of an overarching project with the objective of bringing together facts and figures which represent the existing situation of workers' rights relating to the CFP, other seafood regulations where possible.

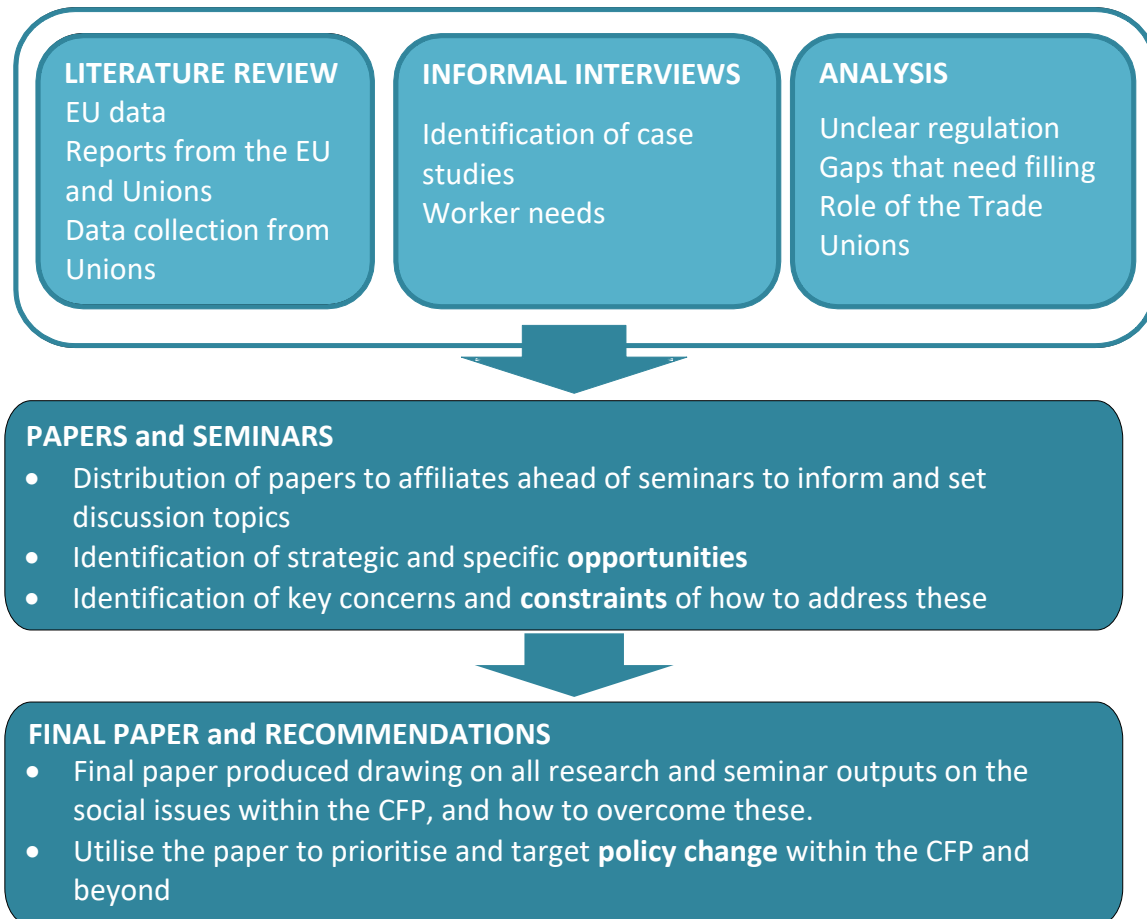
The project includes a series of three participatory seminars (of which this paper supports the second) covering the themes of:

- i. Market, trade and international dimension of EU fisheries (completed July 2018)

- ii. Health and safety, working conditions, organising and collective bargaining in the fish industry (associated with this discussion paper, to be held November 2018)
- iii. Fisheries management and financial instruments (will be held 2019)

The discussion papers associated with each seminar will help to guide the enquiry process. The views and evidence from the Trade Unions affiliated with ETF and EFFAT will be incorporated to form the final recommendations.

Figure 1: Overarching Project Structure



2. The Fishery Workplace

Fishing sector falls through the Directives Gap

Fishing is considered one of the most dangerous occupations in the world. An estimated 24,000 fishermen around the world die each year, according to the International Labour Office (ILO) in 1997 (European Parliament, 2000).

The two directives specific for fishing in the EU are:

- Council Directive 93/103/EC (1993) concerning the minimum safety and health requirements for work on board fishing vessels
- Council Directive 97/70/EC (1997) setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Directives for aquaculture and seafood processing are absent despite there being workplace health and safety risks specific for seafood.

The fishing directives are only mandatory for larger vessels, which make up around 10% of EU vessels (European Parliament, 2000). In 2017, Eurostat logged 82,737 EU vessels, meaning only 8,273 vessels would be covered by EU directives. The European Commission (2009) has proposed an additional non-binding EU instrument/guide to address the high rate of accidents recorded on the large number of vessels which are not covered in the two aforementioned EU directives. The limited number of labour inspectors to go on board the vessels (Osh Wiki, 2016) may have limited the impact of these directives, although Directive 93/103/EU requires member states to report to the Commission every five years on the implementation of the directive.

A third directive has significant importance for fishing vessel operations, although addresses all vessels at sea: Council Directive 92/29/EEC (1992) medical treatment on board.

The European Agency for Health and Safety at Work permits Member States to adopt stricter rules when applying EU directives into national law, thus meaning requirements of health and safety can differ across Member States from minimum compliance with the directives to enhanced regulation. For instance, the UK and Ireland have extended the scope of their legislation and have included both vessels under 15 m and vessels under 12m which are new or have been refurbished (European Commission, 2009).

Cause for concern

The European Parliament 'Safety and the Causes of Accidents in the Fisheries Sector' paper (2000) reports there were '1347 recorded accidents in the EU during 1998 compared with 1250 in 1964, representing an increase of 3.7%' despite improvements in technology, vessel design and health and safety regulations.

A study in the UK, reviewing fishing vessel safety records from 1992-2000, elaborates on this picture finding that the accident rate was 115 times higher than the general work forces in the UK and, 81 times higher than manufacturing (Marine Accident Investigation Branch, 2008).

It was found that 256 fishermen died on vessels from 1992-2006; equalling 126 deaths per 100,000 fishermen, over 15 years. The report suggests that the situation is likely to be worse

due to under reporting and argues incidents are less likely to be reported on smaller vessels as opposed to large vessels where the skippers are more likely to adhere strict reporting procedures.

Lack of data and consistency in health and safety reporting

A major issue in tracking health and safety issues in the fishing sector is this lack of statistical data; the European Parliament (2000) has determined the problem is simply that there is no uniform definition for each type of incident and concepts of health and safety issues. Therefore statistics will differ from country to country, with the same concept covering different elements, thus meaning stats will often turn out inaccurate due to the lack of coherency of definitions. There can also be a reluctance to report incidents; the Marine Accident Investigation Branch (2002) report suggests the number of incidents is greater than noted due to the under reporting of accidents by fishing vessel owners and skippers.

Since 2008 fishing has been part of 'NACE Category A'², along with agriculture and forestry. NACE provides the framework for collecting and presenting economic statistical data at European level. This makes it more difficult to compare figures before and after 2008.

Main causes of injuries

Across the EU the highest percentage of accidents related to fishing vessels occurred due to engine failures (33%), followed by vessels sinking or running aground (9%). The Health & Safety Authority (2014), indicate that accidents occur as a result of fatigue, poor decision making and failing to follow basic precautions, such as safeguarding machinery (European Parliament, 2000).

Within different member states the main causes of injuries and fatalities can be varied and often recorded in different way making analysis difficult. In Portugal, between 2000 and 2010, the most common cause of fatalities was vessel foundering, compared to the UK, in 2008, where the most common cause was machinery failure and in France (2005-2009) falling into docks, closely followed by entangled in gear and strains (The European Guide for Risk Prevention in Small Vessels, 2016). According to the Health & Safety Authority Ireland (2014), the most common cause of death for fishermen was found to be drowning and hypothermia, while the main type of non-fatal injuries in the fishing sector are bruises, cuts, puncture wounds, sprains and strains, fractures and amputations. Further typical injuries include back pain from improper lifting, and handling and noise induced hearing loss. The types of injuries most likely to occur on a fishing vessel during the following activities; setting and hauling gear, work on deck, catch processing, working with loads and moving fishing gear (IUMI, 2013).

For fishing, 69% of all injuries occur on deck. Between 2000 and 2011 over 800 injuries relating to setting and hauling gear were reported (IUMI, 2013).

Preventative measures

In all the reviews of health and safety issues, it is highlighted that practical measures could be put in to place to reduce risks and that these would dramatically decrease the level of non-fatal injuries. The Health and Safety Authority Ireland report (2014) concluded that many

² The Statistical Classification of Economic Activities in the European Community is the industry standard classification system used in the European Union.

measures would help including the use of Personal Protection Equipment (PPE) and use of practical measures such as floatation devices on board fishing vessels.

The UK Government sets out a list of preventative measures for fishers to take to reduce health and safety risks on a fishing vessel:

- Combat risks source – replace dangerous practices/substances or equipment.
- Carry out risk evaluation to reduce risks
- Individual work patterns and procedures, to ensure appropriate rest periods
- Adaptation – new technology/equipment to keep up to date, safe equipment
- Vessel management – take care of health and safety at every level
- Protective measures

In relation to fatal accidents the Marine Accident Investigation Branch (2008) reported fishermen were often not wearing protective gear, such as Personal Floatation Devices (PFD), which are now more commonly found on vessels and thus available. In some cases, the skippers have issued disclaimers to crew stating it is their choice not to wear a PFD. Fishermen argue that the PFD is impractical for them to be able to work in while wearing, hence the reluctance. The report found that when skippers led by example and wore PFD, crew members were more likely to also wear them.

- South Africa (who brought ILO C188 - Work in Fishing Convention, 2007 into force on 20 Jun 2013) has implemented a requirement for skippers of vessels over 25GT to ensure all crew wears the PFDs provided, when conducting work that is a high risk of being thrown overboard or in bad weather.
- Ireland introduced a regulation requiring all crew of any fishing vessel, regardless of size of the vessel to wear PFD at all times, and Irish skippers can take 'all reasonable steps' to ensure this is complied with.
- In Spain, 2002, the authorities implemented the requirement that all crew working on vessels less than 24m, wear PFD and in addition carry an approved personal radio beacon to alert the vessel and shore authorities of the crew member's position in the event of falling overboard. The Spanish authorities aim to extend this requirement to include bigger vessels (all vessels fitted with cabins).
- Seafish is backing a Fishing Industry Safety Group (FISG) initiative to promote the wearing of the PFDs by fishermen (Seafish, 2018).
- In Denmark the majority of safety courses are paid for by the Government, and fishermen receive a daily allowance while on training. All fishermen must complete a 3 week safety course before working on any vessels. This is mirrored in Spain where training courses are delivered locally around fishing ports (Marine Accident Investigation Branch, 2008).

2.1 Results of the consultation with affiliates

In preparation for this paper a survey was conducted with ETF and EFFAT Affiliates. Nine responses contributed data and insights on health and safety issues (below). The survey questions are noted in Appendix 1 and the respondents were:

- Vila Pesca - Italy
- ABVV - FGTB HORVAL
- FGTE-CFDT - France
- FSC-CC.OO. - Spain
- Flai Cgil - Italy (two responses)
- Fai-Cisl - Italy
- Fesmc-ugt - Spain
- CFTC - France

The biggest health and safety issues were listed as:

- a lack of prevention of risk.
- the workload is too high.
- back problems because of standing for a long time.
- lack of legislation adapted to requirements of the fishing sector - unclear legislation, insufficient resources and the application of new rules is generally unclear.
- occupational diseases.
- low reporting of accidents.

In **Italy**, union representatives reported no major health and safety issues, although passport retention can be an issue and there is a lack of collective bargaining opportunities. Use of migrant labour can be 30-50%. All Italian responses stated they considered it to be the responsibility of the owner to provide health and safety training and did consider their unions were involved in good practice of the promotion of health and safety through campaigns.

In **France**, respondents stated their union had not conducted a recent campaign or project on health and safety. One respondent considered the responsibility of health and safety training to fall with the public education system whilst the other felt this was the responsibility of the Department of Maritime Affairs. Both state that there are no abuses apart from one response who informs there are cases of passport retention.

In **Spain**, one respondent stated their union had held recent campaigns or projects on health and safety and both suggested their union has good practice in the promotion of health and safety. However, they did concur that there are health and safety abuses occurring in the sector. Respondents suggested the company/owner should be responsible for the training of health and safety and that there is a need for tripartite social dialogue in the fisheries sector.

In **Belgium**, one Affiliate reported that all workers in the fish processing Industry report to the joint Commission for the food industry – fish – CP 118.16. And that there is a joint Commission of consultation between employers and workers, mainly for the negotiation of the collective labour agreement, and also for the supervision of its execution. It is composed of an equal number of representatives of the major trade unions (FGTB-CSC-CGLSB) and of the employers' organisation.

The campaigns mentioned within the ETF Affiliate responses include:

- Security in Networks - Uila PESCA, Italy
- Public assemblies in the fishing sector to talk about health and safety, amongst other sectors - Flai-cgil, Italy

- Campaign of unionisation with the Navy - FAI-CISL, Italy
- Campaign on occupational diseases and safety in the work place - Flai-cgil, Italy
- Different areas and sector campaign; employment, occupational health
- Environmental training and collective bargaining - FSC - CC.OO, Spain

The campaigns mentioned within the EFFAT Affiliate responses include:

- Code of well-being at work: [Link](#)
- Cooperation with a colleague with a professional handicap: [Link](#)
- Regulations on psychosocial risks at work: [Link](#)
- Work in heat/cold: [Link](#)
- Training Offer: [Link](#)

2.2 The main problems around health and safety in fishing, aquaculture and seafood processing

- High accident rate
- Unacceptable number of fatal injuries
- The data regarding health and safety in fishing and seafood processing is dated. There is a risk of lacking accident data and inspections, which could be helped with standards and audits, ideally to understand better the importance of health and safety
- Exploitation of migrant workers
- Unclear definitions and regulatory framework
- Machinery puts workers at more risk
- For fishing, the lack of profitability incentivises fishermen go to sea in bad weather which increases risk of accident or injury
- A race for fish encourages risk culture in fishing. The importance that skippers prioritise the safety of the crew over catching fish
- Cost of safety can be high and for small-scale fishers this can be prohibitive. However, identifying risks costs nothing, therefore even small-scale vessels who may not be able to afford high quality gear can still provide an adequate risk assessment.
- Technical measures such as fishery conservation measures like discards impact health and safety negatively

EU bodies responsible:

- There is a H&S unit in DG employment.
- European Agency for Safety and Health at Work (EU-OSHA)

Highlight on Initiatives and Guides

- Fisherman's Safety Guide – UK Government (2014). [Safety Guide](#)
- Seafish Safety Folder – Safety Management System for Fishing Vessels. [Safety Folder](#)
- ShipSanAct, (2013), Survey on Hygiene Inspection Practices Regarding Fishing Vessels in European Union. [ShipSan Act](#)
- Danish Fishermen's Occupational Health Services Stability Guide for Smaller Vessels. (2014) [Stability Guide](#)
- Safety Guide for New Fishing Crew Presented by Sunderland Marine and the North of England P&I Association – (2016) [Safety Guide for New Fishing Crew](#)

- Fishermen Launch New Film: Life Jacket: A Fisherman's Friend. – (2013) [Life Jacket Film](#)

2.3 Regulatory framework

The Common Fisheries Policy

The CFP needs reform in many areas as well as health and safety, changing its overall objectives for sustainable, safe and socially responsible fisheries. The CFP does not mention health and safety, the Institute for European Environmental Policy (2000) has acknowledged the policy has failed in regard to social sustainability. Further to this, the Green Paper by the European Commission on the reform of the CFP (2009) does not list health and safety under the reforms. However, they do mention the importance of developing a culture of compliance.

European Directive 103/93 H&S in fish

European Directive 103/93 lays the basis for the minimum health and safety requirements to work on board fishing vessels. Member States must ensure that all measures are taken to guarantee that: owners of vessels make sure their vessels are used without endangering the health and safety of workers. If there are instances where workers could be put at risk due to occurrences at sea; this should be described in a report and sent to the relevant authorities. Also, owners are to ensure that the vessels are checked by authorities on a regular basis. Owners must ensure their vessels: are adequately maintained and any defects are found and fixed as soon as possible; have a level of hygiene; contain the necessary emergency equipment, including PPE; and have a skipper who is well equipped to fulfil these obligations. All health and safety measures must be communicated with the workers, and training must be provided on accident prevention, firefighting, use of life-saving equipment, use of fishing gear and hauling equipment, and hand signals.

Others

1. The International Conference on Safety of Fishing Vessels (Torremolinos, Spain, 7 March-2 April 1977), leading to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (applies to vessels 24 metres in length and over).

Since fishing vessels were exempt from almost all requirements of the SOLAS and Load Lines Conventions, the convention promoted the safety of fishing vessels by establishing uniform principles and rules concerning the construction of safety related equipment.

2. The 1993 Torremolinos Protocol (ratified by):

Bulgaria, Croatia, Denmark, France, Germany, Ireland, Italy, Lithuania, Netherlands, Spain, Sweden

3. International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F Convention).

The convention includes basic safety training for all personnel, and certification of skippers, officers, engineer officers, radio operators, and watchkeepers.

4. The IMO Code of Safety for Fishermen and Fishing Vessels, 2005 – Part A: all vessels, Part B: 24 metres in length and over.

5. The IMO Voluntary Guidelines, 2005, 12 metres in length and over, but less than 24 metres.
6. The IMO Safety Recommendations for Decked Fishing Vessels of less than 12 metres in length and Undecked Fishing Vessels, 2012.
7. Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977. The following states have ratified the 2012 Cape Town Agreement: Congo, Denmark, Germany, Iceland, Netherlands, Norway, South Africa.
8. Technical Guidelines for Responsible Fisheries, Food and Agriculture Organization of the United Nations, 2015.
9. The International Labour Organization's Work in Fishing Convention, 2007 (188) and accompanying Recommendation (Number 199) which entered into force on 16 Nov 17.

The ILO Convention 188, parts on Health and Safety

The ILO Convention 188 is extremely detailed around Health and Safety requirements on board fishing vessels and for the protection of fishers. The objective of the Convention is to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. The convention covers the following aspects (paraphrased):

- Gives special protection to the H&S of young workers.
- Requires medical certificates to ensure fishers are fit to perform their duties.
- Safe manning levels.
- Fishers are given regular periods of rest of sufficient length to ensure safety and health.
- Maintenance of accommodation and galley spaces with due regard to hygiene and overall safe, healthy and comfortable conditions.
- The prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers.
- Training for fishers in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged.
- The reporting and investigation of accidents on board fishing vessels flying its flag.
- On-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned.
- Require that fishing vessel owners, skippers, fishers and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels.
- Provision of appropriate personal protective clothing and equipment.
- Ensure fishers have basic safety and operational training.
- Risk evaluation in relation to fishing shall be conducted, as appropriate, with the participation of fishers or their representatives.

- Fishing vessels carry appropriate medical equipment and medical supplies together with appropriate instructions.
- Fishing vessels have at least one fisher on board who is qualified or trained in first.
- Fishing vessels be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage.
- Fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness.

The ILO faced challenges with small-scale fisheries due to the governments need to align fisheries policies with health and safety policies (Oshwiki, 2016).

3. Aims and Objectives of the Consultation

3.1 Strengthen and clarify the existing regulation

The regulations currently in place are out dated, applied differently across the EU and are urgently in need of reform. The tools and strategies needed to reform EU legislation:

- Setting objectives in the CFP around Health and Safety for all fishery workers to make it a priority and at the centre of all decision making.
- Awareness.
- Education.
- The CFP is constantly evolving to adapt to current needs, a new reform will address any uncertainties and challenges in the industry.
- Data and resources need to be up to date and accurate to be able to evaluate current needs of the fishing and seafood processing industry.
- Overcome issues of transposition, after directives 93/103/EC AND 92/29/EEC were implemented, both directives were met with delays due to transposition despite information and awareness raising measures being applied at EU level. At National Level amendments were made based on information and trainings.
- Adequate definitions across the board to eliminate confusion.
 - Is small-scale different to large-scale?
 - Should all MS apply EU Directives to (new) and small vessels?
- Each Member State is responsible for their fisheries, with the aid and some funding available from the EU. In Denmark the overall responsibility is with the Danish Maritime Authority (DMA).

Possible options

- EU to ratify key protocols/conventions – or require other MS to do the same?
- Ensure fishing sector is included in International shipping Conventions?
- Provide best-practice guidelines on health and safety – lobby EU and MS to adopt these
- Minimum safety training.
- Lobby insurance companies so no fishing vessel insured if not reporting/compliant?
- Up to date and accurate data is urgently needed.

3.2 Health and Safety standards, certifications, enforcement

- Guideline documents are in place, however most of which are older than five years or specific to just one MS. In this regard further standards in fishing could aid the improvement of health and safety in fishing and seafood processing.
- The enforcement of PPE could be crucial for health and safety improvements as 69% of all injuries occur on deck (Sintef, 2013).
- Communication on-board between workers of different nationalities can pose a risk during an emergency situation. A study by Sintef (2013) shows that active fishers do not see communications barriers as a risk, in this case fishing experience is prioritised over language and communication. Language barriers can have implications when an unexpected emergency arises, a standard which implements hand signals in cases of emergency could improve this risk factor.
- There is no list of diseases that you can claim for in fisheries – professional diseases. Is this a national issue? How do deal with, is it a best practice for them to follow?

- How to address risk culture? In Denmark, the latest study shows a decrease in risk culture and a new culture of prioritising health and safety through a change of behaviour (Nordic Council of Ministers, 2017).
- What rules there are, are not respected anyway (especially small scale). Need a culture of compliance which may require monitoring and penalties.
- How can enforcement be improved of the regulations that do exist? How can restrictions of doing on-board inspections be overcome?
- Increased safety procedures need to be implemented to improve the way of life for fishers, such as a man over board system that incorporates an engine-stop feature and a satellite digital selective calling distress alert to decrease the loss of lives.

3.3 Training and Communications

- Training is necessary when moving towards improvements in health and safety, it is vital in ensuring fishers have the skills and the knowledge to carry out hazardous work.
- Safety requirements in several languages for foreign workers. Go in search of pictograms understandable for people from different communities.
- A label where we study the conditions and circumstances of work is a dream.
- Funding support is needed for most fishers, EU funds are available for training, however they are not being accessed.
- Provide E-learning, to provide free access to information on a wide range of health and safety topics.
- FAO (2018) reports that demonstrations within trainings should be used to maximise understanding, while also creating social pressure.

Needs for training

- Funding - The EMFF is available but not fully utilised.
- Knowledge.
- Enforcement.
- Representatives.
- How to respond to an accident. Response to accidents as a sure way to improve the level of major accidents or worse, fatalities.
- The European Union (2009) highlight that fishermen often have difficulty accessing fishermen as a body in regards to training. This is a direct relation to the fishing sectors structural problems.
- In Germany, proof of attendance is compulsory.
- In some Member States refresher training every five years is compulsory.
- The European Union (2009) reports that the smaller the vessel the less likely the captain or any crew would have undergone any training.

Possible options

- Set minimum training required at the EU level and make it MS responsibility to pay for this as in Denmark.

3.4 Data & reporting on accidents

- How can data collection be improved?

- How to address culture of under-reporting? The number of accidents/injuries is likely to be much larger, due to under-reporting (MAIB, 2002).
- New forms of electronic data collection? To effectively account for all accidents A reporting system or database needs to be implemented (FAO, 2010).
- A report for Nordic the prevention of accidents (2017) in Nordic fishing has recorded a significant decrease of reported accidents from 2000-2015, highlighting the importance of data collection. A FAO report for the UN states a significant problem in reporting accidents in fishing is governments do not give the issue of health and safety at sea much consideration due to the magnitude of the problem not being known. (FAO, 2018).
- FAO has developed guidelines for accident reporting and for analysing the data recorded (FAO, 2018). This is designed so each country can be aware of the problems at sea.

3.5 Create a culture of compliance in fisheries workplaces

The responsibility for safety lies with all participants in the seafood sector, from workers, to employers, to regulators. Fundamentally, everyone needs to be thinking ‘Safety First’. When captains are deciding whether to go to sea in stormy weather, or crew considering if it’s necessary to wear their PFD or regulators applying a conservation measure, the impacts on safety must be addressed. This is a long journey but it has to be the case that fisheries become as safe as any other workplace.

Possible options

- Make health and safety in fisheries a priority – Safety First.
- Update regulations at an EU level, in the CFP.
- Regulations on their own will not work on fishers and so it is necessary to accompany the regulations with campaigns, education and training.
- Risk management.
- Written standards and procedures.
- Establishing lines of communication.
- Continuous dialogue between the fishing sector and governing bodies.
- Standards on board vessels discourage new recruits and younger generations.
- Better inspections are needed to ensure compliance.

3.6 Focus on prevention of injuries, accidents, fatalities and risks to safety

Possible options

- Establishing the common diseases and setting preventative measures for them.
- Educate on the benefits of PPE.
- Ensure PPE is enshrined in law with effective enforcement.
- Adequate equipment.
- More attention to ergonomics in the workplace.
- Risk assessments – what hazards are of major concern and who is exposed to these accidents?
- Training and clear instruction to avoid accidents or injuries.
- EU-OSHA (2009) developed a web-application for risk assessment tools (Oshwiki, 2016).

3.7 Sharing of best practices across Europe

- Trade Union collaboration around initiatives: Security in Networks - Uila PESCA, Italy, Public assemblies in the fishing sector to talk about health and safety, amongst other sectors - Flai-cgil, Italy, Campaign of unionisation with the Navy - FAI-CISL, Italy, Campaign on occupational diseases and safety in the work place - Flai-cgil, Italy, Different areas and sector campaign; employment, occupational health, Environmental training and collective bargaining - FSC - CC.OO, Spain
- Due to low levels of compliance HSA Ireland launched a fishing industry awareness raising campaign (2014).
- Maritime New Zealand launched a campaign improving commercial fishing safety (2018).
- EU-OSHA have launched a dangerous substance campaign (2018) of which fishing is one of the sectors most at risk.
- Seafish launched a campaign to encourage fishers to wear a personal floatation device.

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Appendix 1: Affiliates' Questionnaire

ETF Affiliates

1. In relation to the second subject of the seminar, has its union conducted a campaign/a project of unionization in recent years? If so, make a brief description:
2. What is the percentage of migrant fishermen (total fishermen) in their country's workforce? Is there a problem of undeclared migrant workers? Are migrant fishermen unionized?
3. What are the problems in applying health and safety regulations at work?
4. Please explain:
 - A. Who is responsible for the training of fishermen in the field of health and safety at work in his country?
 - B. Are workers (including migrants) employed by agents?
5. What are the biggest health and safety issues in your country? (Select all problems and expand)
6. Does your union have examples of good practice in promoting health and safety? If yes, explain:
7. In your country, or in relation to the fishery products sold in your country, have any cases of abuse been reported against migrant fishermen in relation to their status (e.g. lower/unpaid pay, passport confiscation)?
8. Are fishermen covered by collective bargaining in this country?
9. Is the social dialogue in the fisheries sector in place at any level (regional/national)? If yes, please expand.

EFFAT Affiliates

1. What campaigns or projects has your union run around the seminar topics over the last few years? Is there any literature or reports that we should be aware of around the topics to include in the discussion?
2. Does your union have any examples of good practices regarding promoting health and safety?
3. What is the proportion of seasonal workers, temporary agency workers or other forms of casual employment vs full-time employed in your country? How does this affect working conditions?
4. What are the biggest issues concerning health & safety for processing or aquaculture workers in your country? (choose all issues and explain further)
 - * prevention
 - * accidents reporting
 - * legislation is not adjusted to the needs
 - * legislation is not enforced

- * professional diseases
- * other (please specify)

5a. What are the challenges in applying H&S regulations?

- *unclear legislation
- *too many regulations
- *not enough resources (financial, human)
- *other (please specify)

5b. Have you identified any major gaps in regulations? Or around training? That is a cause of any challenges.

6. Who is responsible for training seafood processing workers on H&S in your country?

7. Does your union have any examples of good practices regarding promoting health and safety? Please describe.

8. Are any workers covered by collective bargaining in your country? Please describe. What percentage? What number?

9. Is Social Dialogue in processing or aquaculture in place at any level (regional/national)? Please describe

10. What tools and/or strategies are needed to reform national and EU legislation and improve working conditions?