

**REPORT OF THE COMMITTEE ON ROADS AND
TRANSPORT AND LEADERSHIP OF THE COMMITTEES ON
EMPLOYMENT, SOCIAL WELFARE AND STATE ENTERPRISES
FOOD, AGRICULTURE AND COCOA AFFAIRS, FOREIGN
AFFAIRS, AND CONSTITUTIONAL LEGAL AND PARLIAMENTARY
AFFAIRS ON THE WORK IN FISHING CONVENTION 2007
(NO. 188) OF THE INTERNATIONAL LABOUR
ORGANISATION (ILO)**

1.0 INTRODUCTION

The Hon Minister responsible for Parliamentary Affairs, Mr Osei Keyei-Mensah-Bonsu on behalf of the Minister responsible for Transport on 25th May, 2022 laid before the House, Work in Fishing Convention, 2007 (No.188) of the International Labour Organisation (ILO).

In accordance with article 75 (1) (b) of the 1992 Constitution, the Rt Hon Speaker referred the Convention to the Committee on Roads and Transport for consideration and report. He further directed Leadership of the Committees on Employment, Social Welfare and State Enterprises; Food, Agriculture and Cocoa Affairs; Foreign Affairs; and Constitutional, Legal and Parliamentary Affairs to join the Sector Committee to consider the referral.

The Committee on Roads and Transport together with the Leadership of the other Committees met with the Hon Deputy minister responsible for Transport Mr Frederick Obeng Adom, officials from the Ministry of Transport and the Ghana Maritime Authority on

Wednesday, 8th November, 2023 and considered the referral. The Committee is grateful to the Hon Deputy Minister and his team for assisting in its deliberations.

2.0 REFERENCE DOCUMENTS

The Committee made reference to the following documents during its deliberations:

- i. The 1992 Constitution of the Republic of Ghana,
- ii. The Standing Orders of Parliament,
- iii. Work in Fishing Convention, 2007 (No188) of the International Labour Organisation (ILO), and
- iv. Presentations on the Ratification of the International Labour Organisation (ILO) Work in Fishing Convention, 2007 (No188).

3.0 BACKGROUND

The fishing industry is of enormous importance to many countries as it provides employment to over forty million fishers and also serves as a vital source of protein for many people worldwide. However, the fishery industry remains highly unregulated and fraught with several safety, human rights and labour issues such as exploitative and abusive practices.

The International Labour Organisation (ILO) adopted its 188th Convention known as the Work in Fishing Convention 2007 (C.188) to prevent the aforementioned conditions of work onboard fishing vessels and meet the minimum requirements to enhance working

conditions and safety of lives at sea. The main objective of the Convention is to ensure that fishers are provided with improved conditions of work onboard fishing vessels to reduce heavy workload, accommodation and food; occupational safety and health protection; medical care and social security. The Convention covers all fishers and fishing vessels engaged in commercial fishing operations and supersedes the former Conventions ascribed to fishermen. It also aims at ensuring compliance with, and enforcement of its provision for Member States who are already signatories to the Convention, to allow large fishing vessels and other fishing vessels on extended international voyages to be subjected to labour inspections in foreign ports.

The Convention when ratified would empower flag States to exercise jurisdiction over fishing vessels within its waters irrespective of its nationality. The flag State would have a duty to ensure that the fishing vessels are maintained in a manner that ensures that the fishers have decent living conditions onboard vessels.

According to the Ministry of Transport, fishing has consistently been ranked as the deadliest occupation since 1992. People in this line of work stand the risk of suffering fatal job injury 20 to 30 times more than other occupations. Some of these unique life-threatening hazards include: vessel casualties, falling overboard, and diving incidents.

The relationship between employers and fishers vary internationally, ranging from oral agreements to formal arrangements. These

agreements are necessary for fishers to ensure that their recruitment and placement, conditions of service, remuneration and access to social security are formalized.

4.0 JUSTIFICATION FOR GOVERNMENT ACTION

The Work in Fishing Convention, 2007, spells out the elements of a labour standard in the fishing sector including recruitment, working conditions of the fishers on board vessels and provision of social security. This is aimed at protecting fishers from the inhuman working conditions on both large and small-scale fishing operations.

According to the 2016 Food and Agriculture Organisation Report, about 29,000 people in Ghana are engaged in the fishing industry whilst 2.2 million people indirectly depend on the fisheries industry. As an important pillar of Ghana's local industry, fishing contributes about US\$1 Billion each year to Ghana's Agricultural Gross Domestic Product (AGDP) which translates to 4.5 per cent of annual Gross Domestic Product (GDP) of Ghana. The report further indicates that about 140 fishing vessels have been registered to fly the flag of Ghana. However, most of the fishers on these vessels go through the hazards of indecent working conditions on sea. In some instances, they work without contracts relating to their wages, entitlements, number of rest hours and medical care, amongst others.

It is therefore imperative that the Work in Fishing Convention, 2007 C188 is ratified to ensure that the welfare and safety of Fishers are guaranteed. The ratification of the International Labour Organisation, Work in Fishing Convention, 2007, No. 188 would enable Ghana

assert her port state rights and ensure that foreign vessels docking at her ports comply with the provisions and principles in the Convention.

5.0 KEY PROVISIONS OF THE ILO CONVENTION NO 188

The Key provisions are outlined as follows.

- Part 1 of the Convention deals with Definition and Scope.
- Part II focuses on the general principles, responsibilities of fishing vessel skippers and fishers.
- Part III outlines the minimum requirement for Work in Fishing Vessels.
- Part IV deals with conditions of service.
- Part V relates to Accommodation and Food.

6.0 STAKEHOLDER CONSULTATIONS

The Committee was informed that broad inter-ministerial stakeholder consultations led by the Ghana Maritime Authority were taken into consideration. The extensive consultation aimed at ensuring that the needs of stakeholders were taken into consideration. The following Ministries and Agencies who were consulted gave their consent to the ratification of the Convention.

- i. Ministry of Fisheries and Aqua Culture Development;
- ii. Ministry of Transport;
- iii. Ministry of Foreign Affairs and Regional Integration;
- iv. Ghana Tuna Association;
- v. Ghana Marine Police;

- vi. The Regional Maritime University;
- vii. Ghana Ports and Harbours Authority;
- viii. National Fishermen's Association of Ghana;
- ix. Office of the Attorney-General and Ministry of Justice;
- x. University of Cape Coast, Department of Fisheries and Aquatic Science;
- xi. Ghana Inshore Trawlers Association;
- xii. Ghana Navy;
- xiii. Labour Department;
- xiv. Ministry of Employment and Labour Relations;
- xv. National Union of Seamen, Ports and Allied Services;
- xvi. Seafarers Unions;
- xvii. Fisheries Unions;
- xviii. Fisheries Commission;
- xix. University of Ghana Marine Fisheries Services; and
- xx. Ship-owners and Agents Association

6.0 IMPACTS OF RATIFICATION OF THE COVENTION

The Committee was informed that the implementation of the International Labour Organisation (ILO) Work in Fishing Convention 2007, No. 188 would significantly assist in addressing challenges in the fishing industry including occupational hazards relating to safety, health and medical care, rest period and social security

In addition, it will empower Ghana economically to create jobs and enhance working conditions for employee's adherence to safety standards and measures.

It will also assist in reducing pollution caused by illegal fishing operators who often target waters with weak governance system

and thereby mitigating the consequences of illegal activities such as unapproved fishing methods that causes oil spillage into our waters.

The owners of fishing vessels will also be under obligation to provide the appropriate medical supplies on board while ensuring that well trained personnel are stationed on board to administer first-aid to injured victims.

7.0 IMPLEMENTATION PLAN

The Committee was informed that upon ratification pursuant to Article 75 of the 1992 Constitution, the Ministry would liaise with the Office of the Attorney-General and Ministry of Justice to incorporate same into the national law.

8.0 COMMUNICATION PLAN

The Ministry intends to promote acceptance of the provisions of the Convention amongst Stakeholders through various interventions listed below:

- i. Create awareness about the beneficial impact of the Convention on Ghana's fishery sector;
- ii. Build consensus and public acceptances before, during and after the implementation of the Convention;
- iii. Sensitize stakeholders in the fishery industry on the responsibilities and demands imposed by the Convention; and

- iv. Facilitate the implementation of programs under the Convention.

9.0 OBSERVATIONS AND RECOMMENDATIONS

9.1 Financial Impact

The Committee was informed that the ratification of the Convention is not expected to pose any financial burden to the State. However, the actual implementation including the subsequent incorporation into the domestic legislation would have some financial implications which has already been factored into the activities and programs of the Ghana Maritime Authority.

9.2 Occupational Challenge

The Committee observed that, commercial fishing employees are faced with various occupational hazards arising from slips, falls, temperature, weather and fatigue among others. These threats predispose the crew members to dangers and fatal injuries that potentially prevent them from performing their duties satisfactorily.

Also, crew members exposed to UV radiation on board vessels are faced with health challenges, particularly of the skin. The Committee therefore stresses the need to adopt the Convention for the sector to benefit from the gains thereof.

9.4 Medical Examination and Certification

The committee noted with concern that the issues of medical fitness of Fishers was not only a challenge that pertains to Ghana but also on the global front. It came to the fore that Fishers are not mandated to carry out medical examination to determine their fitness before going fishing. This situation raises safety concerns regarding the Fishers condition and their handling of fishes, thereby posing a health threat to consumers.

The Committee is of the view that, mandatory medical examination by Fishers is critical and hence, urge for the execution of the Convention.

9.5 Promotion of Decent Conditions of Service

The Committee took cognisance of the poor working conditions of the fishers engaging in the marine and inland water fishing activities. Irrespective of the type of commercial fishing it is noted that fishing is one of the world's most hazardous occupation with many associated injuries and fatality among crew member. It is in this light that Ghana is seeking to adopt the Work in Fishing Convention to ensure that recruitment, decent living and working condition such as unregulated hours of work, remuneration and asses to social security are formalized.

9.6 Impact on Legislation/Regulation

The Committee was informed that the ratification of the Convention will not alter the existing legislative regime of Ghana. However, the expectation would be for the country to incorporate the provisions of the convention into Domestic Laws through primary and secondary legislations.

9.7 Benefits of Economic Trade

The Committee noted that, Ghana in compliance with International Labour Standards would be well positioned competitively and effectively make gains in the global fishery market. This will be possible as a result of increased access to markets in Europe and America.

9.8 Enhanced Global Reputation

The Committee underscored the relevance of Ghana's reputation on the Global scene by the ratification of the Convention. Thus, commitment to International Labour Standards and Human Rights would boost Ghana's reputation as a responsible and compassionate Member of the global Community.

10.0 CONCLUSION

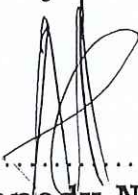
The International Labour Organisation recognizes fishing as a perilous occupation and considers Ghana's potential gains from the insight of other State parties to the Convention. Embracing the

International Labour Organisation (ILO) Work in Fishing Convention 2007, No. 188 would uphold consistency and equity among Fishers and other Seafarers. Ratifying this Convention is essential for guaranteeing the safety and wellbeing of individuals working on fishing vessels, as well as enhancing the working conditions of the Fishers.

Indeed, Ghana cannot afford to gloss over the safety and security of fishing crew on board fishing vessels and the marine environment. Therefore, the ratification of the Convention becomes very crucial.

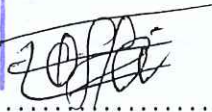
Accordingly, the Committee recommends that the House ratify the International Labour Organisation (ILO) Work in Fishing Convention 2007, No. 188 by Resolution pursuant to Article 75 (2) (b) of the 1992 Constitution.

Respectfully submitted.



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Hon Kennedy Nyarko Osei
Chairman
Committee on Roads and Transport

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Eunice K Abeka
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