

# Fish Workers – Issues and Concerns

WIEGO Law Pilot Project  
Consultation

Bengaluru, 23<sup>rd</sup> August, 2008

# Nature and Conditions of work

- Four types of employment status
    - self-employment, wage labour, family labour and income sharers (full time, part-time, seasonal and migratory)
    - Traditional fishing is skilled labour; Mechanised fishing requires largely unskilled labour allowing for entry of outsiders
  - Women workers –
    - Fish processing – contract wage labour
    - Fish vendors – self employed (but also sorting/drying etc at home)
    - Net making – family labour, self employed
- NO CLEARLY DEFINED OWNER WORKERS CATEGORIZATION

# DRAMATIC TRANSFORMATION OF INDIAN FISHERIES

The past four decades have witnessed a dramatic transformation of India's fisheries

- rapid mechanisation
- industrialisation of production processes, displacement of women fishvendors
- the entrance of large corporate interests into the fishing industry
- fundamental shifts in investment and expenditure patterns that transfer priority away from production for local markets to production for international export
- Depleting resources
- Common Property resources – gradually being eroded as it is largely undocumented and unprotected by laws.
- Pollution and impact on resources.

# FISH WORKERS – Emerging Issues

## Challenges –

- Self employed, wage earners and income sharers
- Gender defines nature of work
- Marine fish vs inland fish workers
- Other work arrangements – ‘transient villages’ of Bengal
- Lack of voice and organizations
- Natural disasters

# LAW, POLICY AND THE FISH WORKERS – Emerging Issues

- **Conflicts between fisherfolk and tourism**
- **CRZ to CMZ**
- **Large vessels and unsustainable fishing practices/ access to coastal resources**
- **Impact of the enactment of the Coastal Aquaculture Act, 2005**
- **SEZs, infrastructure development - including industries, petrochemical parks or mining in the list of permissible activities - taking the shoreline away from fishermen.**
- **Adverse impact of EXIM policy on the local fishing industry and decline of traditional fish drying and processing centres.**
- **Open access and weak governance models further threaten the livelihoods of traditional fishworkers.**
- **Conservation and regeneration efforts lacking.**
- **Biological Diversity Act, 2002 – protecting traditional knowledge over marine resources.**
- **WTO and impact on fisheries subsidies.**
- **Climate change and the adverse impact on fishworkers.**

# Identifying Conceptual Issues for law and policy for fishworkers (1)

- Need for a comprehensive law for fishworkers and fisheries – some components identified below.
- **Protecting Common Property Resources**
  - **Access to resources – identifying barriers, possible solutions such as rotational access.**
  - **Creating rights over the mobile living resources – factoring in difficulties.**
  - **Protecting accumulation of knowledge acquired through labour.**
  - **Evolving new institutional frameworks that would further the protection of marine resources and fishworkers – what lessons from Panchayats or Forest Rights Act?**
  - **Creating legal and institutional space for a greater voice of collectives of workers.**

# Identifying Conceptual Issues for law and policy for fishworkers (2)

- Self-employed/Own Account/Income Sharers
  - Protecting fragile and unsecured livelihoods
  - Labour protection for dependant self-employed workers
- (a) Welfare and Regulation of Employment
- (b) Conditions of work and social security

# Identifying Conceptual Issues for law and policy for fishworkers (3)

- Conservation
  - Responsible fishing – temporal and spatial restrictions –difficulties in implementation.
  - Licensing of boats, regulations for fishing
  - Interface with environmental legislations – prioritising rights of workers.
- Other issues – land rights over coasts, financing, right to decent fishing villages and basic amenities



# Best Practices (1)

- The Kerala State Fishermen's Welfare Fund Board (also called the Matsyaboard) - a possible model legislation for implementation at the national level. The Matsyaboard in Kerala covers most of the social security benefits prescribed by the ILO Convention 102 on Minimum Standards for Social Security and includes insurance, sickness, maternity and old-age benefits.
- The Fishermen (Protection and Welfare) Bill, 2000 introduced in the Rajya Sabha to create a welfare fund that would provide for life insurance, medical insurance, financial assistance, unemployment assistance during lean periods and free education.

# Best Practices (2) ILO - The Work in Fishing Convention 2007

- Salient feature of the ILO Convention on the fishing sector – can this be a guide?
  - Fishermen, as a class, are recognised now just like seafarers, miners or other category of workers.
  - The Convention covers minimum age for recruitment, medical examination, manning and rest hours, fisher's work agreement, repatriation, recruitment and placement, payment, accommodation and food, medical care, health protection and social security, occupational safety and health, accident prevention, protection in the case of work-related sickness, injury or death, compliance and enforcement, and amendment.