

POLICY BRIEF 1

LABOUR CONDITIONS OF SMALL-SCALE ARTISANAL FISHING COMMUNITIES OF BANGLADESH



BACKGROUND

Bangladesh has achieved self-sufficiency in fish production, and while a large part of the production comes from fresh-water inland capture fisheries and aquaculture, marine capture fisheries account for more than half of the production. And within the marine fisheries sector, artisanal small-scale capture fisheries still account by far for the biggest share of the production, even though the marine industrial fisheries sub sector has also been growing steadily.

A sector-wide human rights impact assessment (SWIA) was carried out in small-scale artisanal fishing communities in Barguna and Cox's Bazar Districts in Bangladesh during 2019-2020. With the support of DIHR, the SWIA examined the living- and working conditions of poor small-scale fishers and their families through a human rights lens. The report contains findings on the labour conditions, the standard of living, the situation of women –and the environmental and climate change-related human rights issues at stake in the fishing communities. This Policy Brief presents the SWIA findings on labour conditions, along with a series of recommendations to improve the situation.



THE SCENARIO



The work of artisanal fishermen is characterized by extreme physical and mental hardship, and poor contractual conditions with no formal work contracts, and no clear agreements regarding working hours, rest, and insurance in case of accidents or death. The SWIA has documented the physical, mental and economic hardships fishermen face in relation to their work. Their right to decent work is not realized, and key issues to address include:

The lack of a national minimum wage for the fisheries sector



The widespread lack of work contracts, which leaves fishermen without guarantees of fair payment and safe working conditions

The insecure access to compensation when fishermen are injured or die at sea



Child labour on fishing vessels under hazardous conditions

Debt -bondage



MAJOR FINDINGS FROM THE SWIA



Half of the fishermen said there is no warning system that reaches them at sea

39% fishermen report having no communication equipment whatsoever on board



35% rely on mobile phones as far as they can reach

97% fishermen find harbor facilities unsafe



Widespread fear violent encounters with robbers at sea, many fear death by drowning

Lack of adequate food and drinking water during fishing trips



Sleeping logistics extremely crowded, without proper shade and shelter from the sun

Approximately one third of fishermen said that they are underpaid



Approximately one third fishermen caught in cycles of debt and bound to pay off loans (dadon) from boat-owners with their labor

80% fishermen feel they have insufficient life-saving equipment on board the fishing vessels



According to the ILO, a worker who works under debt-bondage is a victim of forced labour, which is serious human rights and labour rights violation and criminal offence

83% fishermen said that they work with crew members under the **age of 18**



Children's tasks include physically demanding activities such as pulling nets, sorting and drying fish

20% of the fishermen said that children work for food alone and get no salary



Fishers are not recognized as labourers under the labour law, and thus unable to undergo the official registration procedure required for establishing trade unions

The official list of occupations deemed hazardous for children does not include the fisheries sector (Hazardous Work List Bangladesh)



The full SWIA report is available at:
<http://www.manusherjonno.org/wp-content/uploads/2021/05/SWIA-Report-Final.pdf>



RECOMMENDATIONS

There is a major legal gap when it comes to protecting the labour rights of small-scale fishers, given the fact that Bangladeshi labour law takes a sectoral approach, and addresses only specific 'industrial sectors'. Bringing small-scale coastal fishers into the purview of the law would address many of the labour rights issues identified in the SWIA, including issues relating to employment contracts, appointment letters, working hours, leave, leisure, health, safety, wages, overtime, termination & retirement benefits, treatment facilities, social security (gratuity, provident fund, insurance, etc.), compensation for workplace accidents, trade union rights, access to labour courts, etc. Major specific recommendations are:



Clearly define the rights and responsibilities of fishers, including small scale fishers and fish workers, in relevant national labour legislation



Amend the Bangladesh Labour Act 2006 to include provisions on fishers employed in the small-scale coastal fisheries sector



Adopt regulatory instruments on Occupational Health and Safety that address the particular situation and needs of small-scale fishers or amend existing instruments to adequately address their needs



Include the fisheries sector in ongoing social dialogue around introducing an Employment Injury Insurance Scheme



Ratify ILO's Work in Fishing Convention, No. 188 and 138



Eliminate forced labour and bonded labour in the fisheries sector as a matter of high priority and take appropriate steps to criminalize its use, as per constitutional guarantees



Revisit the hazardous work list for children, to assess whether the fishing sector is to be considered a hazardous occupation



Establish a Minimum Wage Board and define a minimum wage for fishers



Make crew lists mandatory and enforce their use through routine inspections



Set clear standards for fishing vessels' conditions, protective and lifesaving equipment and enforce their use



Ensure fishers' right to organize themselves under trade unions

