

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 725 final

Brussels, 17th November 1980

COMMISSION COMMUNICATION TO THE COUNCIL ON THE SOCIAL ASPECTS IN THE COMMUNITY SEA FISHING SECTOR

COM(80) 725 final

COMMISSION OF THE EUROPEAN COMMUNITIES

~~C O R R I G E N D U M~~

Applies to the English version
only

COM(80) 725 final/2

Brussels, 9th December 1980

COMMISSION COMMUNICATION TO THE COUNCIL
ON THE SOCIAL ASPECTS IN THE COMMUNITY SEA FISHING SECTOR

CORRIGENDA

Corrigendum to the Commission Communication to the Council on the social aspects in the Community sea fishing sector
(COM (80) 725 final of 17 November 1980)

- Replace in the "Summary" the last paragraph by the following :
"The following document is appended to this communication :
"A draft for a Council Resolution on a common training policy for the
"fisheries sector"
- Page 8, par. 2.2.1 : first alinea, delete "compulsory"
- Page 22, replace paragraph 5.2 last alinea by the following :
"In this connection, the member states concerned could create conditions
"in which the two sides of the industry can cooperate to reach agreements
"with a view to giving fishermen a guaranteed wage. Moreover the profit-
"sharing system should be made more transparent."
- Page 25, replace paragraph 1.1 by the following:
"1.1 ensure that sea fishermen obtain appropriate vocational training."

1

COMMISSION COMMUNICATION TO THE COUNCIL ON
THE SOCIAL ASPECTS IN THE COMMUNITY SEA FISHING SECTOR

Summary

The Commission has outlined social guidelines for sea fishing relating to :

- vocational training (chapter 2)
- employment (chapter 3)
- safety and health at work (chapter 4)
- working conditions (chapter 5)

- a) There are two proposals relating to vocational training :
- the establishment of a common approach for the development of training in this sector,
 - the implementation of a Community action programme intended to give support in certain specific areas to the realization of these guidelines, in particular via the granting of assistance from the ESF.
- b) As regards employment, the proposal is to improve the transparency of direct and indirect employment in fisheries, to achieve a rough balance between the supply and demand of labour, to create employment in less favoured regions and to help young fishermen find employment.
- c) In order to improve safety and health at work in sea fishing, the Commission recommends that rules in this area should be strengthened the circumstances surrounding accidents at work should be systematically examined in order to establish preventive measures in specific areas, the organisation of health care on board should be improved and a system of medical assistance and rescue at sea should be extended.
- d) As regards working conditions, it would be advisable to introduce measures to encourage consultation and the conclusion of agreements between the interested parties on problems concerning the remuneration of sea fishermen, working time, holiday entitlement, job security and the organization of work.

The following document is appended to this communication :

A proposal for a Council Resolution on a common education and training policy for the fisheries sector

1a

C O N T E N T S

Page

1. Introcution

- 11. Background 1
- 12. Social outlook 4
- 13. Social guidelines 5

2. Vocational training

- 21. Introduction 7
- 22. Joint approach 8
- 23. Community back-up for fisheries training 11
- 24. Financial aid from the EEC 12

3. Employment

- 31. Introduction 13
- 32. Transparancy of the Labour market 14
- 33. Aid to young fishermen 15
- 34. Measures aimec at developing jobs in sea fishing
in less favoured coastal regions 15

4. Safety and health at work

- 41. General aims 16
- 42. Specific measures 16

5. Working conditions

- 51. Introduction 20
- 52. Remuneration 21
- 53. Hours of work 22
- 54. Holiday entitlement 23
- 55. Job security 23
- 56. Organization of work 23
- 57. Investment projects 23

Annexe 25

COMMISSION COMMUNICATION TO THE COUNCIL ON
THE SOCIAL ASPECTS IN THE COMMUNITY SEA FISHING SECTOR

1. Introduction

1.1 Background

- 1.1.1 The Commission draws attention to the social objectives of a common fisheries policy, set out in its report, COM (66) 250 of 22 June 1966. The main objective was to achieve for sea fishermen a level of social provision similar to that enjoyed by other workers, while taking into account the particular nature of the activities involved.
- 1.1.2 The introduction into the law of the sea of 200-mile exclusive economic zones has had a profound effect on the legal conditions governing the exercise of sea fishing, since in most of these zones the old free system is replaced as regards third parties by a system of prior authorization. Community fishing is all the more affected by this measure since a considerable proportion of its catches were traditionally taken outside its own economic zones.
- In accordance with the provisions of the EEC Treaty the Council has gradually introduced a common fisheries policy based on the principle of the pooling of resources and respect at Community level for all interests involved, both within the Community and outside.
- 1.1.3 The Council Resolution of 21 January 1974 concerning a social action programme (1) considers that Community social policy has an individual role to play and should make an essential contribution to achieving social objectives by means of Community measures or the definition by the Community of objectives for national social policies. Article 9 of Council Regulation (EEC) 101/76 of 19 January 1976 introducing a common structural policy in the fisheries sector (2), states that specific measures for appropriate action must contribute to "the improvement, in step with technical progress, of the standards and conditions of living of the population which depends on fishing for its livelihood".

(1) OJ n. C 13, 12.2.1974

(2) OJ n. L 20, 28.1.1976

1.1.4 The European Parliament has often expressed its desire to see the introduction of a social policy appropriate to the fisheries sector. In its Resolution of 16 December 1977(1) it expresses the desire, "that the Commission should immediately begin preparation of an overall social policy for the fisheries sector covering such matters as the maintenance of employment, vocational training, working hours and social security and safety both on board ship and at sea".

Again, in its Resolution of 11 May 1979 (2) the European Parliament calls for a common policy for fisheries education and training in connection with the development and restructuring of the fishing fleet.

1.1.5 In November 1977, the Commission proposed to the Council specific short term social measures within the framework of the proposal for a Directive on certain immediate measures for adjustment in the fisheries sector(3). These proposals accompany the structural provisions contained in the same document and are aimed at compensating for negative effects on employment resulting from the temporary or permanent withdrawal of vessels from operation. A contribution by the Community to the cost incurred by the Member states as a result of granting early retirement to sea fishermen reaching the minimum age of 50 is proposed, as well as a contribution to the costs arising from the application of individual provisions to maintain the incomes of sea fishermen who are out of work as a result of the implementation of measures providing for temporary withdrawal of vessels from operation. These measures are still pending before the Council.

1.1.6 a) In order to guarantee the implementation of the aims and objectives of a common structural policy in the fisheries sector indicated in its communication to the Council of 12 July 1980 (COM(80)338 final), the Commission presented to the Council (COM(80)420) on 18 July 1980 a series of proposals concerning the adaptation of the production infrastructure, common measures for restructuring and developing the fleet and for aquaculture, policy with regard to State aids, the common coordination of research, and the adaptation and development of fish processing.

(1) OJ n. C 6, 9.1.1978, p. 125

(2) OJ n. C 140, 5.6.1979, p. 115

(3) OJ n. C 278, 18.11.1977

b) In the same communication the Commission announced a medium term social action programme. The present communication together with its annex represent the guidelines for this social action programme which contain among other things directions for the application of specific social measures referred to in the proposal for a Council Regulation (EEC) No. _____ of _____ on a measure for restructuring, modernizing and developing the fishing industry and for developing aquaculture.

The aspects concerned are the following :

- employment;
- the equipment of centres of assistance, training and research;
- safety conditions and the equipment of ships;
- the working conditions of the workers concerned.

The "multi-annual guidance programmes" referred to in the Regulation and to be established by the Member States, will, after they have been approved by the Commission, constitute the general aims directed towards the restructuring, modernization and development of the fishing fleet and of aquaculture.

As regards employment, the guidance programmes should indicate the expected effect on employment. The updating of this basic information according to the procedure referred to in 3.21 below, will mean that it is possible to follow closely the direct and indirect development of employment with a view, where appropriate, to working out suitable measures for developing or stabilizing employment.

As part of the guidance programmes, investment projects receiving Community financial aid can be set up, in particular with a view to renewing the fishing fleet and constructing and equipping assistance, training and research centres.

As regards the assistance centres, however, Community financial aid is restricted to providing the centres with funds allowing them to disseminate an adequate amount of scientific and technical information, as well as to introduce on a permanent basis training, further training or occupational assistance for those concerned.

As regards fishing vessels, the equipment needed to ensure the safety of the crew should be carried, according to standards referred to in 4.21 b) below.

In addition, in order to evaluate the projects the Commission will also take account of the working conditions of the workers concerned. Indications in this connection are provided in Chapter V below.

1.2 The social outlook

1.2.1 To a great extent the future situation of fisheries in the Community, beyond the present restructuring phase, will very probably be affected by frequent changes in fishing activities and a very considerable increase in production costs.

The common fisheries policy has the general aim of achieving a just balance between production and market requirements and it follows that depending on available resources and the constraints imposed by negotiations with non-member countries considerable amendments will have to be made to decisions concerning activities in the sector.

As regards costs, it should be noted that the burden of investment can only be increased by efforts to improve productivity and the adoption of new techniques while at the same time the proportion accounted for by the cost of fuel is entirely dependent on developments on the energy market.

Taken overall, the success of the Community fishing industry is closely linked to its ability to adapt.

1.2.2 The outlook as regards the economic future has its counterpart in the negative social effects which should be countered by appropriate measures.

a) As regards training : the imbalanced pattern of traditional training which concentrated excessively on navigation and fishing techniques constitutes a handicap both for purposes of achieving the objectives of the common fisheries policy and for the fishermen who wish to change either his speciality or his job. This means that fisheries training will have to adapt with a view to improving and widening its scope.

b) As regards employment : two contrary trends could emerge:

- a fall in the work-force for certain categories affected by restrictions on fishing activities

- an increase in the workforce for other categories (fishing of certain species, access to new zones, aquaculture).

This means that the Member States should establish their forecasts as precisely as possible and introduce measures to ensure that the conditions governing mobility of employment are satisfactory for those concerned.

- c) As regards safety and health at work: competition, which has increased as a result of the fall in accessible stocks, increases the risk of accidents and dangers to health at work. An improvement in standards and ways of monitoring them, as well as improved assistance and rescue facilities are imperative if the Community is to reduce to any significant extent the number of accidents and their consequences.
- d) As regards working conditions: increased productivity on the part of sea fishermen brings with it risks which must be countered by improving working conditions and the guarantees underlying them. The common fisheries policy constitutes a reason to adopt a joint approach in defining minimum standards as regards contracts, remuneration, working hours and holiday entitlement, in line with the particular nature of the activity concerned.

1.3 Social guidelines

1.3.1 In order to compensate for the negative aspects of the outlook described above the Commission sets out in the following a social guidelines for sea fishing relating to :

- vocational training (chapter 2)
- employment (chapter 3)
- safety and health at work (chapter 4)
- working conditions (chapter 5)

a) There are two proposals relating to vocational training :

- the establishment of a common approach for the development of training in this sector
- the implementation of a Community action programme intended to give support in certain specific areas to the realization of these guidelines, in particular via the granting of assistance from the European Social Fund (E.S.F.)

b) As regards employment, the proposal is to improve the transparency of direct and indirect employment in fisheries, to achieve a rough balance between the supply and demand of labour, to create employment in less favoured regions and to help young fishermen find employment.

- c) In order to improve safety and health at work in sea fishing, the Commission recommends that rules in this area should be strengthened, the circumstances surrounding accidents at work should be systematically examined in order to establish preventive measures in specific areas, the organization of health care on board should be improved and a system of medical assistance and rescue at sea should be extended.
- d) As regards working conditions, it would be advisable to introduce measures to encourage consultation and the conclusion of agreements between the interested parties on problems concerning the remuneration of sea fishermen, working time, holiday entitlement, job security and the organization of work.

1.3.2 The Commission will undertake the necessary consultation with the Member States and the Joint Committee on Social Problems in Sea Fishing with a view to presenting to the Council suitable proposals for the implementation of the aims set out in these communications. In the annex the Commission presents a draft for a Council Resolution on a common training policy for the sea fisheries sector.

The Commission will also present a proposal for a Council Directive on safety, health and the prevention of accidents at work in the sea fishing sector.

In addition, information on the possibilities of assistance from the ERF in the fisheries sector and procedures to be followed will be contained in a practical handbook.

2. Vocational training

2.1 Introduction

Initial contacts by the Commission have revealed a sharp contrast between the need for a substantial effort to modernize vocational training in this sector and the limited scope offered by existing forms of training and available resources.

These contacts have shown that the national authorities and the responsible bodies are concerned and willing to cooperate in carrying through the necessary modernization.

There are various justifications for taking concerted action at Community level :

- to begin with, Community assistance with fisheries training would - if applied carefully - avoid overlapping of effort and make considerable economies in certain specific areas (joint use of expensive training equipment and teaching methods);
- secondly, it would have a snowball effect and would encourage people in their willingness to change and adapt thus helping to overcome understandable resistance and reluctance;
- thirdly, it would provide an opportunity to lay the basis for a professional terminology common to crews whose activities are increasingly subject to joint rules, and who are more and more called upon at sea to establish direct links and share responsibility for the joint management of the resources of the sea.

Two proposals emerge:

1. The establishment of a joint approach in developing vocational training in the fisheries sector
2. The introduction of a Community action programme designed to back up certain specific aspects of this approach.

The Commission will develop these proposals in more detail in a draft Council Resolution on a common vocational training policy in the fisheries sector.

2.2 Joint approach

On the basis of information obtained by the Commission this approach could consist of the following elements:

2.2.1 Introduction of compulsory vocational qualifications for access to the occupation.

The occupation of deep-sea fisherman, although it varies greatly according to the area where it is practised and the methods used, involves a range of theoretical and practical knowledge the acquisition of which cannot in general be left to experience gained in the job alone.

A vocational qualification, based on the future requirements of the fishing industry, should, in an appropriate form, form a condition for entry to the occupation.

The training itself would vary according to the functions carried out on board, the kind of fishing practised and how far away from the home port it takes place, age at entry and experience already acquired.

2.2.2 General introduction of a minimum level of basic vocational training in fishing

The minimum length of training required to obtain the qualification referred to above will be fixed in relation to the importance assigned to vocational training in the promotion of fishermen and the rational development of the fisheries sector.

In addition, during this basis training some instruction should be given in general culture in order to develop the trainee fishermen's capacity to adapt to change and help them where appropriate to retrain in mid-career.

2.2.3 Extension of the system of educational and vocational guidance to cover the fisheries training sector

The choice of the occupation of fisherman or the choice of a specialist area or a change in mid-career should be facilitated by means of educational and vocational guidance. The special requirements of the occupation and living and working conditions in particular mean that such guidance is indispensable in order to place some limit on the excessive number of people leaving the occupation, particularly at the beginning of their careers.

2.2.4 Reorganization of vocational training in line with new fisheries requirements

There are two aspects to the need to bring vocational training of fishermen into line with the new requirements arising from the common fisheries policy and increased rationalization of fishing in general. First of all, training in the sector should not consist merely of the juxtaposition of several different training courses corresponding to the various certificates or "tickets", but a coherent system based on organized links between the various levels within a given specialized area. Secondly, the training programme relating to qualifications for the exercise of particular responsibilities on board ship must be updated in accordance with the new requirements. Training which is restricted to no more than fishing techniques and seamanship is inadequate in view of the changes in fishing. New forms of training are indispensable. Particularly important are the following: applied economics of the fisheries industry, marine biology, management of resources, laws and regulations governing fishing, business management, the organization of the occupation and of the markets, aquaculture.

At Community level a measure to coordinate and develop resources as regards education and training should mean that available resources can be better used. This measure should accompany further measures designed to encourage the development and use of modern teaching methods. The Community should also take measures to encourage an exchange of information between the Member States on vocational training in the fisheries sector. As regards the ACP States, the Community should take measures to launch assistance and specialized advisory schemes.

2.2.5 Refresher courses for instructors in fisheries training

Instructors should be enabled to update their knowledge in an effective manner in order to provide instruction in new areas as set out above and follow the rapid development of fisheries and navigation techniques and the attendant areas. This means that at Member State level considerable importance should be attached to the continuous training of instructors. Within the normal run of their work these instructors should be able to follow training courses and have at their disposal adequate documentation relating to the latest technological developments.

Any Community measure should concentrate on efforts to develop exchanges between instructors and information on educational developments between the Member States.

2.2.6 Access of fishermen to continuous training

The necessary vocational retraining of fishermen, owner-operators and skippers already in service should accompany the restructuring measures planned in the fisheries sector. Those concerned will be able to bring their knowledge into line with the new requirements of the fisheries sector depending on the particular needs of their own posts. Otherwise, continuous training will continue to widen the possibilities open to those who wish to obtain promotion, change their particular job or retrain.

2.2.7 Forecast of requirements

It is indispensable to collaborate with the sector to produce a qualitative and quantitative forecast of training requirements based on likely labour requirements, according to speciality and kind of fishing.

2.3 A Community back-up programme for fisheries training

- 2.3.1 Such a programme should be worked out in order to help implement the ideas set out above. It should act as a support to the Member States' own measures and those organized by the fishing industry itself and should relate to certain selected aspects in accordance with the considerations set out above.
- 2.3.2 Preparatory work organized under the supervision of the Commission and more particularly of the Joint Committee on Social Problems in Sea Fishing has shown that such a programme should relate to the following measures:
- a definition of the occupational requirements underlying the certificates and qualifications required for work as a sea fisherman;
 - the establishment of joint vocational training programmes for sea fishermen;
 - the development of an exchange of information between the Member States;
 - the development and use of modern teaching aids such as simulators, audio-visual equipment, etc., which can be used jointly;
 - the training of instructors.
- 2.3.3 The Commission proposes to examine each of these points with a working group including representatives of the Member States and representatives of the Joint Committee on Social Problems in Sea Fishing with a view to defining objectives and determining ways in which cooperation can be established.

2.4 Financial aid from the EC

2.4.1 In accordance with the conditions and limits laid down by the regulations currently in force, the European Social Fund is able to grant assistance to certain of the measures recommended in the guidelines set out above, relating to vocational training in the fisheries sector.

Fund aid can be granted to various operations designed to improve the preparation, training or vocational retraining of workers and their geographical mobility and employment :

a) under Art. 4 of Decision 71/66/EEC of the Council on the reform of the European Social Fund (1) aid can be granted :

- to young people aged under 25 seeking their first employment;
- to persons leaving fishing to work in another sector;

b) under Art. 5 of the same Decision aid can be granted to persons :

- whose employment is affected by significant changes in the conditions governing the production or marketing of products;
- who are unemployed or threatened with unemployment as a result of measures which are either aimed at facilitating adjustment to the requirements of technical progress or are carried out in certain priority regions.

2.4.2 A contribution by the Community to the cost incurred by the Member States as a result of granting early retirement to sea fishermen reaching the minimum age of 50 is proposed, as well as a contribution to the costs arising from the application of individual provisions to maintain the incomes of sea fishermen who are out of work as a result of the implementation of measures providing for temporary withdrawal of vessels from operation. These measures are still pending before the Council (see § 1.1.5)

2.4.3 In addition, under Council Regulation (EEC) No _____ of _____ on a common measure for restructuring, modernizing and developing the fishing industry (2), the EAGGF can grant aid for projects concerned with the construction, equipment or modernization of assistance, training and scientific and technical research centres concerned with fisheries or aquaculture.

(1) OJ L 28, 4.2.1971, page 15 and L 337, 27.12.1977, page 8

(2) COM (80) 420 of 18 July 1980

3. Employment

3.1 Introduction

Throughout the last few years the occupation has had to face up to a considerable fall in the number of jobs available for sea fishermen, taken overall. In 1970 there were 154.640 sea fishermen in the Community (1) while by 1978 the figure had fallen to 140.031 giving an average rate of decrease over eight years of 9.4 %. This downward trend in the workforce directly reflects production problems: the gradual fall in available stocks, closure or restriction of access to certain fishing grounds, and the levelling off or fall in fish consumption in the face of competition from other food products which consumers find more attractive.

The improvement of the employment situation as part of general redeployment within sea fishing is a very important aim for two reasons, quite apart from strictly social considerations. From the point of view of the national development of each Member State in many less-favoured coastal regions sea fishing constitutes the only economically interesting activity which can be considered for development. In many cases, too, it is the only activity by which the population can gain its livelihood instead of swelling the numbers leaving country areas. As regards the economic consequences of loss of jobs in fishing it should be noted that one job engaged directly in production can lead to four or five jobs in occupations which depend on fisheries (processing, sales, distribution, shipbuilding, harbour work, etc). Taken together, measures intended to create, maintain or develop employment in sea fishing represent socio-economic imperatives which go beyond sea fishing alone.

The adaptation and development of fisheries training help in a general way to reduce the qualitative imbalance between available labour and job vacancies and to make adjustment on the labour market easier both over a period of time and in relation to specific areas. Nevertheless, other more specific measures are necessary. These measures should be aimed at identifying the employment situation in fisheries, balancing the vacancies offered and the available labour, maintaining or creating jobs for fishermen in those coastal regions which are less-favoured or economically backward and helping young people to find work.

(1) OECD Fisheries Statistics; COM (80) of 18 July 1980

3.2 The transparency of the labour market

3.2.1 The studies

Before the Member States introduce measures designed to reduce the risk of loss of jobs to which sea fishermen are exposed during the period of redeployment of the means of production it is necessary to examine the employment market in the fisheries sector, identify present needs and forecast future developments.

With this aim in view, concerted studies with owners and fishermen's representatives should be carried out at least once per year in the Member States with a view to analysing the employment market and determining how it is likely to develop, taking into account the multiannual guidance programmes. These studies will relate to the country as a whole and to sub-areas corresponding to coastal regions; they will refer to direct and indirect employment and how they have evolved and will need to be directed towards determining the likely consequences of production trends on the various job categories (at sea and on land).

A number of indicators, referring to the factors mentioned above, will be necessary if employment is to be monitored. The Commission proposes that this information should be collected by the Member States by means of an "Information sheet on employment in the fisheries sector" standardized for the Community

The results of the studies and of the analysis, the prospects and the information obtained via the "Information sheets" will be communicated to the Commission allowing it to estimate the effects on employment of the common fisheries policy and in particular of the programmes referred to in Art. 2 of Council Regulation (EEC) No of
on a common measure for restructuring, modernizing and developing the fishing industry (1)

Such action would also fall within the framework, in the fisheries sector, of the forward-looking approach to the labour market called for in the Council Resolution of June 1980 on guidelines for a Community labour market policy.

3.2.2 Balancing available vacancies and application for employment in fisheries

The employment market in sea fishing is extremely fragmented depending on the centre concerned and the kind of fishing practised. Local recruitment patterns also help reduce the range of job possibilities for fishermen who come from outside the zones concerned.

(1) COM(80) 420 of 18 July 1980

As recommended by the Council Resolution of 27 June 1980, referred to above, steps should be taken to ensure that the public employment services operate fully as active intermediaries to help reconcile labour supply and demand at local, national and Community levels.

It is important to ensure that

- appropriate structures exist,
- the methods used to find available jobs are improved, and
- the services rendered are of high quality,

so that the public employment services fulfil more satisfactorily the requirements of both employees and employers.

3.3 Aid to young fishermen

A system of aid to encourage the recruitment of young fishermen aged under 25 could usefully be introduced by the Member States where the employment situation is such that young fishermen have difficulty in finding places on fishing boats. Under this heading, consideration could be given to creating additional jobs which would help young people acquire real occupational experience while waiting for a steady job or the introduction of specific aid to encourage the geographical mobility of young fishermen.

3.4 Measures aimed at developing jobs in sea fishing in less favoured coastal regions

In those coastal regions where fishing is not particularly developed or where it is declining in importance measures could be introduced by the Member States as part of their employment market policy or within the framework of the multiannual guidelines programmes, either to maintain jobs, or to reorganise or create jobs.

4. Safety and health at work

4.1 General aims

Both the Commission and the Member States should make a greater effort to achieve a significant reduction within the Community in accidents at sea and at work, the frequency of which in this sector is disturbing.

Among the means which might be given priority are :

- an improvement in the rules and in prevention techniques;
- health care on board ship;
- assistance and rescue at sea.

4.2 Specific measures

4.2.1 Construction and equipment standards

a) National rules should cover all fishing vessels whatever their tonnage, type or operating status, which is not always the case under provisions laid down by existing international conventions.

b) However, for purposes of applying Council Regulation (EEC) No of on a common measure for restructuring, modernizing and developing the fishing industry (1), new or modernized fishing vessels referred to in Article 9 should correspond to the minimum construction and equipment standards laid down by the International Convention (IMCO) of 1977 on safety on fishing vessels, concluded at Torremolinos (vessels of 24 m in length or more) and by the optional Directives (IMCO) on the planning, construction and equipment of small fishing vessels (between 12 m and 24 m in length).

The Council has also approved a recommendation to the Member States asking them to ratify this Convention by 13 July 1982 at the latest.

(1) CCM (80) 420 of 18 July 1980

4.2.2 The prevention of accidents at work in fishing does not come within the field of application of an international legal instrument such as the International Labour Organization Convention No 134 on the prevention of accidents (seafarers) (relating to commercial vessels only).

Thus there is a gap which the Community could bridge.

- 4.2.3 a) Measures designed to promote safety and prevention of accidents at work involve research and studies by the Member States and the Commission into the circumstances surrounding accidents and their consequences.
- b) With this end in view, each time an accident takes place the skipper of the fishing vessel concerned should draw up a systematic report. Information on each accident at work in fishing should be sent to the Commission on a form drawn up by them and already used by several Member States. Where appropriate, this information may be communicated in a different form provided it is approved by the Commission departments.
- c) The Commission will process the information which it receives to enable it to study, and propose and adopt measures suitable for improving safety as well as publish useful information on safety or the prevention of accidents.
- d) Moreover, the results of studies carried out in the Member States on safety, health and the prevention of accidents at work will be communicated to the Commission where they throw light on a dangerous situation which needs to be corrected by means of specific measures.
- e) The information thus obtained on the risks involved and the means of prevention will serve as a basis for planning appropriate measures. During a preliminary stage the conclusions of the consultation referred to in 4.2.7 (b) and containing indications leading to the solution of certain specific problems of safety or health could be distributed in the form of "practical handbooks". Such handbooks could be issued in relation to the following subjects :

- the ship's medicine chest;
- medical consultation by radio;
- life jackets for safety work;
- the physical aptitude of sea fishermen.

4.2.4 The Member States should adopt the necessary provisions to ensure that in case of sickness or injury aboard Community fishing vessels crew members receive appropriate medical care, where necessary without waiting for the arrival of a doctor.

To this end :

- a) fisheries vocational training programmes should include training in practical medical skills applying to various types of fishing activities. In addition, courses in medical skills or first aid should be organized for serving crew members;
- b) standardized procedures for medical consultation by radio should be set up and drawn to the attention of persons in charge of vessels;
- c) it should be made obligatory for all fishing vessels to carry a medicine chest, the contents of which should be determined in the light of the average period spent at sea, the number of persons on board and the fishing zones visited. A nomenclature attached to the medicine chest should set out briefly how the contents should be used and, where appropriate, what precautions should be taken.
- d) the compulsory documents on board the ship should include a practical medical handbook approved by the public authorities and appropriate for the kind of fishing undertaken.

4.2.5 The vocational training of fishermen should include theoretical and practical instruction on safety, health and prevention of accidents at work. This instruction should be organized appropriately at each level of training with the aim of training fishermen to a level where they are capable of making a positive contribution to a matter which should concern everyone. For serving crew members further training courses should be organized including practical exercises, aimed at enabling them to acquire the appropriate reactions to face various situations where safety is endangered. A certificate will be issued attesting the qualifications acquired in the course of this training.

4.2.6 With the cooperation of the Member States it should be possible to make assistance and rescue at sea more effective.

Of the 140.000 sea fishermen in the EC, at least 70.000 are permanently employed on fishing vessels operating in the North-West Atlantic and the North Sea, an area covering 4 million sq km, i.e. almost three times the area of the EC. In addition to the rather arduous working conditions - to some extent inevitable because of an often hostile environment and carrying out a difficult and dangerous job on the constantly moving sea - there is the fact that these fishermen are always a long way away from sheltered ports and medical assistance if they became seriously ill or meet with a serious accident. The risk of death or invalidity before the vessel can reach a proper hospital is considerable. There are only a few medical, technical and meteorological support vessels operating in this vast area; on shore, by contrast, medical assistance is available fairly close at hand and transport is easy.

In order to cope with the problems referred to above, the Commission will draw up a plan for coordinating available facilities and will define procedures for cooperation between the bodies responsible in the Member States. The practical application of this constant coordination could be entrusted to a specialized body with effective supervision carried out with the assistance of the above-mentioned responsible bodies.

4.2.7 Every effort should be made to ensure consultation between the two sides of industry and the authorities at all levels in the area of safety and prevention of accidents at work. Such consultation is indispensable to ensure suitable information for those directly interested and for their representatives, in order in this way to obtain their full collaboration in the application of the rules laid down and their opinions and proposals concerning modifications to these rules.

a) To this end, the Member States should organize consultation between the two sides of industry and the authorities at regional and local level.

b) The Commission will organize adequate consultation at Community level involving representatives of the Member States and of the Joint Committee on Social Problems in Sea Fishing in order to reach agreement on practical proposals for the development of health, safety and prevention of accidents at work in sea fishing in the Community.

5. Working conditions

5.1 Introduction

Working conditions for sea fishermen in the Community vary enormously from one country, region or port to the next and according to the kind of fishing carried out. The rights and mutual obligations of the fishermen and the owners are still frequently governed by local customs despite the existence of legal rules and progress made in the field of collective agreements. The ownership pattern also varies considerably; a significant part of the fishing fleet, particularly in the inshore sector, comes under the heading of small-scale or family fishing.

Sea fishing is still very much an association of interests whereby at the end of a voyage each fisherman receives a share of any proceeds from the catch. The importance of this association varies according to the kind of fishing and the size of the boat.

Any measures taken to improve these conditions should take account of the constraints that are peculiar to sea fishing and the precarious economic situation of many operators. Failure to do so would produce results that were diametrically opposed to those actually desired. Any measures proposed should therefore be subject to meticulous examination because although it may be perfectly feasible to introduce them in some sectors thanks to technical progress, better organization of work and the ensuing rise in productivity, such measures would be a source of considerable upheaval in other sectors. For this reason, good judgment in the application of forward-looking measures and the backing of those concerned are key factors that should not be overlooked.

However, in view of the structural changes taking place as regards processing and distribution, the time may be ripe for adapting fishermen's working conditions in the kinds of fishing or regions affected by these changes.

Bearing all this in mind, it does not seem appropriate at present to take uniform action at Community level to amend labour law affecting sea fishermen. Such action might be futile as it is virtually impossible in practice to take account of all the constraints existing at local level, of varying circumstances or of changes taking place in certain kinds of fishing.

Furthermore, the necessary progress depends largely on a consensus between the two sides of the fishing industry. Measures could be taken in the Member States to promote a joint approach and encourage those concerned to reach agreements on the various problems facing the industry such as remuneration, hours of work, holiday entitlement, job security and organization of work.

Note should also be taken of the Commission proposals on incomes' maintenance and early retirement pensions (see 1.1.5).

5.2 Remuneration

The way in which fishermen are paid is one aspect of the job that distinguishes it clearly from other jobs. Fishermen's pay is based often exclusively on a share-out of the profits of a fishing voyage rather than on the payment of wages.

There are variations to this profit-sharing scheme, chiefly in the more industrialized branches where agreements between owners and fishermen have introduced a guaranteed wage in addition to the variable income they receive in the form of a percentage share of the proceeds of the catch. However, the basic profit sharing scheme remains, albeit in a watered-down form.

In the past, fishing could be regarded simply as a matter of catching fish, but nowadays the industry is tending as far as possible to eliminate the risks involved in production and selling, firstly by keeping track of fishing stocks by scientific means and secondly by regulating the markets. Generally speaking, efforts to organize and restructure the industry are geared to reducing the precarious production situation resulting from a lack of organization with a view to giving the industry greater stability.

In this connection, the Member States concerned could create conditions in which the two sides of the industry can cooperate to reach agreements with a view to giving fishermen a fixed basic wage which would gradually increase as a proportion of their total earnings.

5.3 Hours of work

Most sea fishermen in the Community would seem to work an excessive number of hours compared with workers in other industries. However, this question must be seen in the light of the socio-economic realities underlying current working arrangements in sea fishing rather than simply referring to accepted norms on shore. The number of hours worked by sea fishermen is based on long established traditions such as that whereby crew members work together to maximise their profits in as short a space of time as possible. In seeking to achieve this goal, they are all too often prepared to sacrifice their rest periods.

It is abundantly clear that any change in these working habits hinges on a restructuring of the industry with a view to rational use of resources. Steps have in fact been taken in this direction within the framework of Commission proposals on structural policy in this sector.

Quite apart from social considerations, the need for safety at work and navigational safety will involve some effort in the Member States concerned to reduce hours of work on fishing vessels on account of the frequency of accidents.

The Member States should therefore introduce hours of rest during voyages of any significant duration.

In the regard, a minimum of eight hours' rest per day (24 hours), of which six should be consecutive, would seem to be appropriate for vessels that spend more than 48 hours at sea.

5.4 Holiday entitlement

The term holiday in this context means a paid period of rest on land the length of which depends on the number of days spent at sea. Sea fishermen therefore have a holiday entitlement after a number of days at sea in much the same way that a worker on land is entitled to annual holidays.

Ensuring that fishermen generally become entitled to holidays is an important objective in the overall context of efforts to place fishermen on an equal footing with other workers. These problems can be solved if all those concerned in the industry are encouraged to work together.

5.5 Job security

Rationalization of fishing by reducing the uncertainties surrounding production and prices should give fishermen greater job security. Job security here means upholding or renewing the contract of employment that ties the fisherman to his employer.

Although the legal situation of sea fishermen in the Community vis-à-vis the shipowner differs widely from one firm to the next, particularly as regards the various association arrangements that are made in the small-scale fishing sector, it should be possible to guarantee employment.

5.6 Organization of work

The way in which work is organized in the sea fishing industry should ultimately reflect the ideal compromise between social requirements and productivity constraints. The results of efforts in this direction in other sectors in which more efficient organization of work has been beneficial on a number of fronts would justify consideration of this matter at all appropriate levels, particularly between the owners and the fishermen and, where appropriate, consideration of the lessons to be drawn from experience gained in various Member States.

At ship level a study of the tasks to be performed and efforts to rationalize work could be instrumental in reducing the workload of each crew member, and in ensuring that the equipment available is used more efficiently or even improved. At firm level, work should be organized in such a way as to reduce costs. In this respect, obvious areas of research include reducing fuel costs and charges incurred when the fishing vessel is laid up.

5.7 Under Article 11 of Council Regulation (EEC) No _____ of _____ on a common measure for restructuring, modernizing and developing the fishing industry (1), the Commission will take account also of the working conditions of the workers concerned and in particular the measures listed above when evaluating the projects referred to in Art. 2 (a) and (b) of the Regulation.

(1) COM (80) 420 of 18 July 1980

Draft for a Council Resolution of
on a common training policy for
the fisheries sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAVING REGARD to the treaties establishing the European Communities,

HAVING REGARD to the draft resolution submitted by the Commission,

HAVING REGARD to the Opinion of the European Parliament,

WHEREAS the rational development of the fisheries sector in line with technical progress should contribute towards improving the living standards and conditions of those who rely on fishing for their livelihood;

WHEREAS the adaptation of the knowledge and vocational training of fishermen to the new conditions for the exploitation of the resources of the sea is a vital factor in facilitating the implementation of the common fisheries policy;

WHEREAS the adaptation of the knowledge and vocational training of fishermen employed in a sector in which production and marketing are changing radically will contribute towards improving their job opportunities and raising their standard of living;

WHEREAS the increasing complexity of technology and the high cost of teaching aids necessitate a common approach to using the available facilities more efficiently, but bearing in mind that conditions vary from one Member State to the next;

HAS ADOPTED THIS RESOLUTION :

1. With a view to adapting sea fishermen's training to the requirements of technical progress, the management of the sea's resources, safety at work and navigation, the Member States shall
 - 1.1 make it compulsory for sea fishermen to obtain appropriate vocational qualifications;
 - 1.2 specify the minimum period of training required to obtain such qualifications and the training programmes involved; such programmes should include general training courses that will facilitate a change of occupation at a later stage; the minimum period laid down shall include training on board under the supervision of qualified instructors;
 - 1.3 facilitate the extension of educational and vocational guidance to vocational training schemes in the sea fishing sector;

- 1.4 take the measures required to guarantee
 - refresher courses for instructors in this field,
 - updating of these advanced training programmes in the light of changing needs,
 - access of fishermen to continuous training;
- 1.5 make, in conjunction with the fishing industry, a forecast of training requirements, both qualitative and quantitative, on the basis of labour market requirements;
2. The Council calls upon the Commission to define the back-up measures for training in the fishing sector. Such a programme would, among other things,
 - provide a common definition of the requirements determining the qualifications needed to enter the profession;
 - set up common vocational training programmes for fishermen;
 - foster an exchange of information between the Member States;
 - develop and use modern teaching aids;
 - provide for the training of instructors.
3. The Council requests the Commission to examine the guidelines outlined above with the Member States and the Joint Committee on Social Problems in Sea Fishing with a view to submitting appropriate proposals to the Council.