

Observer Bill of Rights

This document has been produced from the outcomes of an associated workshop and panel session held at the 2nd Conference in the International Fisheries Observer and Monitoring Conference (IFOMC) series held in St. John's, Newfoundland, Canada, June 2000, as modified for the 5th IFOMC Proceedings (2007).

Moderator

Teresa Turk (U.S. Observer Programme) gave introduction and led directed discussions

Panelists

Keith Davis (U.S. Observer) presented Rights 1 and 2

Reuben Beazley (Canadian Observer) presented Right 3

Scott Buchanan (Canadian Observer Programme) presented Rights 4 and 5

Kimberly Dietrich (U.S. Observer Programme) presented Right 6

Introduction:

All programmes should develop guidelines and incentives that encourage a significant retention rate of experienced observers. Such mechanisms to provide incentives to the contractors may be a performance-based contract that specifies an 80% retention rate and incorporates observers' assessments of their contractor's performance.

List of Observer Rights:

In order to guarantee an experienced corps of observers, the following basic rights must be protected for all observer programmes:

- 1) **Observers have a right to a living wage, including but not limited to:**
 - a) Health Insurance (Option for year-round coverage and consideration of a national pool to decrease cost)
 - b) Disability insurance
 - c) Life Insurance
 - d) 401-K retirement plan
 - e) Paid vacations and holidays
 - f) Counselling (peer as well as professional)
 - g) Personal and professional insurance
 - h) Transferability of observer credit for purposes of financial compensation from one programme to another

- 2) **Definition of "Observer work" for the purpose of compensation should include the following for each programme:**
 - a) Training
 - b) Debriefing
 - c) Deployment
 - d) Stand-by time (including time between deployments and briefing/debriefing)
 - e) Step-based pay system that encourages experience and exceptional work
 - f) Travel
 - g) Searching for vessel

- 3) **Observers have the right to a safe working environment**
 - a) Right of refusal to any vessel without repercussions
 - b) No observer to be placed on a vessel that is considered unsafe
 - c) Define the procedure for what to do if a vessel is considered unsafe (A national protocol should be developed; information of the vessel's safety should be provided to observers)
 - d) Increase minimum safety training standards for all programmes and design training to be observer programme-specific
 - e) Establish better communications between Coast Guard and fisheries agencies
 - f) Ensure reasonable accommodations and food
 - g) Provide observers with vessel's past safety records via web access

- 4) **Observers have the right to be acknowledged for their contribution to science and resource management, encompassing the following:**
 - a) Attendance at workshops
 - b) Credit in publications and other literature

- 5) **Observers have the right to support from their programme/agency**
 - The programme should develop support mechanisms for observers which cultivate a sense of belonging
 - Each programme needs to develop protocols to improve communication, understanding, and support for observers
 - A grievance procedure should be established that encompasses the work performed by the contractor or government agency

- 6) **Additional goals suggested for observer programmes:**
 - a) Standardize data forms and species/gear codes nationally or internationally (e.g. electronic logbook programme)
 - b) Creation of a clearinghouse on national/international level for certified observers who span various programmes
 - c) Establishment of an electronic forum devoted to observer issues
 - d) Direct management staff (e.g. debriefers and trainers) should be required annually to serve at sea as observers, but not as a displacement for regular observers

Some Panelist Suggestions:

- Safety is the first concern, with the observer on the wharf having the last call on accepting a position on any vessel.
- Asking observers to venture out in 18 foot speedboats hauling crab pots at 150 foot depths five miles from the nearest land is unacceptable. "When I have to place my own future and that of my family in the hands of a captain, it is not the (observer) company's call; it is mine." I have no desire to sail with anyone who does not show the sea respect," (*Reuben Beazley*).
- A national protocol as to reporting, inspection and clearance must be developed and followed before another observer is deployed to a vessel not meeting safety requirements.
- A full report on each vessel's safety must be made available to observers.
- There is an obvious need for better communication between Coast Guard, the Department of Transport, and (observer programmes).
- Along with safety concerns, comes the need for decent living conditions for observers. Cases of observers contracting scabies, scurvy, and lice infections on vessels were cited. Food and hygiene can vary from vessel to vessel, and unfortunately some vessels have low standards.
- Concerns were raised regarding observers living on sandwiches and canned goods, without benefit of showers, and then having to sail out again after a short stay on shore.
- Personal safety concerns were also raised, particularly in terms of confrontations with skippers and crews.
- In causing a fishing operation to stop because of violations, an observer effectively ceases the earning power not only of the crew but also his own. Working yourself out of a job is a "weird situation" in which to be placed.
- Observer Support and Acknowledgements should be classed together as fostering the professional development of observers
- An advisory committee involving observers who are selected by their peers can be formed where data users are invited to present projects involving the use of observer data and biological catch.
- Observer participation in workshops (and conferences) is essential.
- Provide observers with scientific reports and management documents that use observer data. This provision will heighten observer awareness about their duties and why they are required in the fishery.
- Observer Programmes should think about tying observer wage levels and development to data quality, involvement in peer debriefings, and helping with the development and training of new employees.
- A programme of professional development of observers should be established similar to those in other professions with apprenticeship and progressive stages.
- A committee composed of people from observer groups, science, and management could set appropriate levels and criteria allowing for such a progression.

Discussion Points:

The Question and Answer session following the Observer's Bill of Rights presentation elicited a host of cogent observations. Following, are some of the main points raised during this discussion:

- Don't put all the information required for proper training at the front end. Early trips begin with simpler work; one moves from sampling to biological information to by-catching information, then to surveillance and navigation skills.
- There needs to be accreditation programmes offered at appropriate institutions along with recognition of observers' current skills.
- There should be a training facility in a central location to cover all the training needs for observers in a particular region.
- Promote Observers who can act as instructors during observer training
- There are many discrepancies between regions regarding a host of observer issues.
- Defining safety can be difficult- Observers' opinions come from having worked on many vessels while fishermen serve usually on only one.
- It can be difficult to define "a living wage." An observer can be on a factory freezer trawler with a comfortable cabin and state-of-the-art technology. Yet a fisherman on that same trawler can often earn three times the observer's salary doing an easier job. In other words, depending on the situation one is placed in, it is not easy to understand what is meant by "a day's pay for a day's work." Sometimes observers have to work on vessels which are "run by crazies with guns and booze." And yet, observers have made the industry rich by sending them out to rich fishing grounds. "Empires have been balanced on the tip of my knife."
(David Benson)
- There should be information and data provided that would allow for comparisons across all regions with observer programmes. Such data from operational observer programmes would include the following:
 - The number of vessels and the number of observers utilized
 - The average deployment length by vessel type and fishery
 - The attrition rates; the number of violations reported and the number pursued from observer reports.
 - The estimated annual value of various target fisheries
 - Are observer unionized in certain regions?
 - What are effective coverage rates?
 - What is the definition of a fishing day?