



« Women in fisheries and aquaculture in Europe »  
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# **Women in private space:**

**Women's role within the fishing enterprise**

**Proceedings of the Brest Workshop  
20 and 21 february 2003**

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# Preamble

## "WOMEN IN THE PRIVATE SECTOR"

The FEMMES programme is an initiative undertaken by researchers in social sciences and the humanities and by associations of fisherwomen. This programme is funded by the European Commission under the Fifth Framework Programme. Started in October 2002, its aims are as follows:

- the organisation of international workshops mainly grouping together women from the fishing and aquaculture sectors,
- the publication of a bi-annual newsletter (AKTEA) in several languages,
- the organisation of national workshops with the aim to help the establishment of women's networks or associations,
- popularization of scientific work,

This document includes the proceedings of the first international workshop of the FEMMES programme, which was held from 20-22 February 2003 at the *Centre de Droit et d'Economie (CEDEM)* of the University of Western Brittany (*Université de Bretagne Occidentale – UBO*) in Brest, France. Forty people participated in this workshop, including 37 women from six different EU countries. Most of these women are the wives of fishermen and fish farmers. Other participants were officials from public administrative bodies linked to the fishing and aquaculture industry, training specialists and researchers. The multi-faceted theme chosen for this workshop was "Women and the Private Sector".

The production of seafood products across all European coastal areas is dominated by traditional family businesses. Within this type of set-up, women hold significant responsibilities for the business activity, while also taking care of family life and day-to-day domestic tasks. Women from coastal communities are likely to mobilise themselves into action, be this to compensate for the absence of their husbands and partners out at sea, or in order to support family income. It is often women who represent companies before the various public bodies and financial organisations. They are providing the relay between the sea and dry land. They take care of most, if not all, of the company's administrative tasks. Traditionally, the women have also, been the ones to maintain and repair fishing nets. They also play a direct and important role in fisheries production activities: fishing farming and collection of shellfish. Some women in the fishing sector hold professional status, while a much larger number of women in aquaculture have such status. In the fishing industry, as in aquaculture, women are developing various strategies to increase family income: the promotion and sale of produce, business diversification, etc. In cases where their husbands are working out at sea for long periods of time, women are often left alone to look after the family. Being the wives of skipper owners and crewmen, they are even on their own when faced with the difficult task of having their husband's death recognised when spouses are lost at sea. Women's contributions to the economy and their own individual problems have for a long time been deemed "natural". They were considered as a simple extension of domestic life, and therefore with no legal recognition in terms of state benefits. Women's roles within companies and recognition of their status were therefore greatly discussed during the

workshop. The various international participants revealed great differences in this regard across Europe.

### ***The workshop's progress and the preparation of proceedings***

The workshop started with two days of exchanges. All participants accepted the condition imposed upon them – which was to give a 5 to 10 minute long presentation on a theme taken from a pre-determined list. The workshop became a place of free expression for everybody. Full exchanges were made based on a variety of presentations on all of the workshop's themes. Some women handed out a written text, while others limited themselves solely to the spoken word. The time reserved for debate enabled all participants to enter into the subjects raised in much greater depths than any individual presentation. In order to give a complete view of the richness of the exchanges, it has been decided that these proceedings shall firstly be published in the form of a summary of the presentations and debates. Then the written contributions shall be published in their original languages. By way of introduction, the FEMMES programme was presented by its coordinator, Katia Frangoudes. Simultaneous interpretation in five languages was provided during the workshop: French, English, Spanish, Portuguese and Swedish. This was crucial for any exchanges to take place, as most participants did not speak a foreign language.

Aside from the linguistic difficulties, the workshop also revealed a lack of awareness of the social realities in different countries within Europe. The wide variety of social security schemes for fishing and aquaculture, for example, was the subject of much discussion. In spite of this, many common aspects were also revealed regarding women's status and their projects, training for women, recognition for their work, full legal framework for this work and even protection for their husbands' trade and of maritime traditions.

A tour of the port in Guilvinec was organised on the third day of the workshop, where we met Mr. René-Pierre Chever, Secretary to the Local Fishermen's Committee (professional organisation), and a tour of Mrs. Scarlett Le Corre's processing workshop – a good example of business diversification.

### ***The participation of women in production***

The first theme was the participation of women in production. Within the European Union, only 3% of women in the fishing industry and 25% of women in aquaculture, work under a recognised professional status (MacAlister Report, 2001). Most women who have such a status, within the fishing industry, are shallow water fisherwomen from Galicia (*mariscadoras*). Isabel Perez and Dolores Bermudes (Spain) detailed their example. Isabel Perez stressed the impact of the *Prestige* disaster on the profession, and Dolores Bermudes spoke about the work of *mariscadoras* as well as their organisation.

Other women participate in production. Some of them work as crew on board fishing vessels – either coastal or deep-sea vessels. Gaëlle Maltret (France) gave an account of the problems faced by these women while also highlighting their physical abilities in carrying out such a job. Camilla Osterman's presentation (Finland) detailed similar problems encountered by female crew in Finland.

### ***Net manufacture and repairs***

The manufacture and repair of fishing nets has long been a task carried out by women. Nets used to be repaired on the beaches or in workshops. This has not changed to this day, and the work continues to be very hard. Nowadays these women have to compete with cheaper labourers – retired people and workers from southern countries. Valbarena Trigo Duran's presentation (Spain) was about difficult working conditions, and about the issue of the recognition of qualifications of women working in this profession. They would like to see their work recognised by both fishing vessel owners and by the public authorities in order to benefit from professional status. Maria Eugenia Cardoso (Portugal) talks about the retirees with whom they have to share their work, because these people also have to make a living. Poor pay is the norm in this profession.

The stories of wives who repair the nets for the family boat make it clear that in certain sectors of the fishing industry, and in certain countries, this activity is still one of the tasks reserved for the women within the family unit (Inacia Maria Quinzico, Portugal). This job is on the decrease, as more and more nets are now being industrially manufactured, requiring less maintenance than used to be the case.

### ***The sale of seafood products***

Women are highly involved in the sale of seafood products, with the aim of increasing their family income. In the fishing industry, this is carried out by women from small enterprises rather than from the big boats. Fishing produce (catches or farmed products) can be sold directly at the quayside, at the market, at a fishmonger's, from the back of a van or by other means. Portuguese women, carrying out this activity, are true professionals, even if they have no legal status. Some of these women buy and sell fish from other vessels unconnected with their husbands' fishing boats. They sometimes set up fish wholesale markets to sell fish from various different boats. European health and safety regulations could threaten these activities, as it is quite difficult for them to afford the cost of meeting these standards. For the moment, the national authorities are turning a blind eye to this, but for how long will they carry on doing this? (Liliane Carriou, Christine Blanchard, France, Rosa Dias, Portugal).

### ***Diversification***

The term "diversification" is often used by national and European authorities. Most women have a deep distrust for this concept, as they believe this term is really a covering for a reconversion objective for the fishing industry rather than true diversification of income centred on the basic fishing and aquaculture professions. Many examples of diversification, given during the workshop, were connected with tourism: the creation of tourist accommodation (Christine Blanchard, France), guided tours around the shellfish farms of Marennes Oléron (Dominique Riquiero, France) and tourist restaurants and accommodation in the Canary Islands (Jose Pascual, Spain). For workshop participants hailing from colder climates, though, it has been difficult to diversify through tourism (Ruth Buchan, Scotland).

Examples given by two participants, Agneta Jansson (Finland) and Sally Barnes (Ireland), show the importance of women in the business diversification process. In both cases, the creation of fish processing units made it possible for the women to increase the family income through the promotion of their products. Both cases proved successful, where diversification supported the work done out at sea.

### ***The ownership of production tools***

This topic was initially intended to find out about women's awareness of their family capital in the form of production tools and various other rights. Workshop participants focussed on the issue of property based on prenuptial agreements between married couples, where this is nationally possible. Sheryl Murray (United Kingdom) was the only speaker to explain the significance of the value of fishing licenses in the United Kingdom and the position of women in the ownership of the production tool and fishing rights.

In the case of divorce, work carried out by the female partner over the years is not taken into account if they do not share ownership status with their husbands, who thereafter remain sole proprietors of the boat, of the fishing licence and of the fishing quotas. Women often find themselves left with nothing. Some women prefer to hold a share in the boat (Clarisse Serrao, Portugal). Legislative differences mean that in some countries, such as Portugal for example, women can become vessel owners, while in other countries, such as France, they cannot. To have her participation in a French company recognised, the female partner has to pay relatively high social security contributions. More often than not, couples decide not to pursue this route.

### ***Company administration and management***

Modern society has created new requirements for fishing vessels, such as accounts, food supplies for stocking on board vessels, relations with the public authorities and banking institutions, etc. The wives of boat owners are often the ones to take care of these tasks. They provide the link between the sea and dry land, and carry out all the requirements that their husbands cannot do due to their absence out at sea. The workshop participants spoke on this issue, also explaining about the status they hold within their companies, and when and how they are paid (Liliane Cariou, Ruth Buchan, Clarisse Serrao).

### ***Training***

Vessel management requires qualifications that most of the time, wives simply do not possess. Women have to train themselves up in order to cope with these new responsibilities. They often create specific training courses (Janick Moriceau, France). In other cases, they follow the same training courses aimed at men. One of the main difficulties lies in the need to have a minimum number of people taking these courses; otherwise they simply do not get off the ground. Training courses that do not result in any certificate were strongly criticised, and the lack of financing for training was also brought up. Distance learning enables women living a long way from urban centres to receive training, including university education (Camila Osterman, Sally Barnes). Conditions for funding and access to these courses vary from one country to another.

### ***Women's social status in the fishing industry and in aquaculture***

Thanks to their organisation, *mariscadoras* have succeeded in gaining recognition for their profession and obtaining a professional status at the same level as men. They are now recognised under the special seafarers' scheme (sailors' social security) and have access to the same social benefits as men (Anna Cruz, Pencha). In France, the wives of fishermen and shellfish farmers have enjoyed the legal status of "conjointe collaboratrice" (*spouse employee*) since 1998, which grants them access to some social benefits such as a pension and maternity leave and replacement (Yvette Deru, France). The social status of fishermen and their wives

in Finland was presented by Carina Rönn (Finland). Finnish women working unofficially for fishing companies receive no recognition. This presentation emphasised the fact that women are more and more looking for salaried positions outside the fishing industry.

Cristina Moço (Portugal) spoke about the social status of Portuguese fishermen and seamen. This status was only recently bestowed. There is no such status for their wives in this country. In Ireland the social status for fishermen is limited and non-existent for collaborating spouses of sole traders, which many vessel owners are registered as. British people also lament the shortcomings of the status of men working in the fishing industry and the virtual impossibility for women to even hope to gain a status comparable to the French "spouse employee". The "spouse employee" status has become a model for women in other countries.

### ***Husbands lost at sea***

The issuing of a death certificate in the case of anybody being lost at sea was a topic that came under much discussion during the workshop by Carina Rönn, Lena Talvitie and Camilla Osterman (Finland). In Finland, the period between a person's disappearance and the issuing of their death certificate is very long – ten years – leaving many families in disarray due to the impossibility of completing many official steps during this time. Workshop participants from other countries gave details on this topic for their countries (Ireland, Spain, France and Portugal). The conclusion was that there is a need to act towards a European harmonisation of national legislations regarding this subject.

### ***Final debate***

Women from the fishing industry and the marine farming sector take care of many tasks, from sales to company administration and management, and from repairs to the manufacture of fishing gear, not forgetting their role in the production. The women involved in production are Galician *mariscadoras* who practice shallow water shellfish farming in tidal zones, women working on board vessels and, of course, female shellfish farmers. Aside from these women, who hold the same status as their male counterparts in production, all other women have great trouble gaining recognised legal status for their jobs. Their work is considered to be an extension of their domestic tasks and they are therefore neither recognised nor paid. Women are doing these jobs to increase the family income. Their involvement is geared more and more towards the development of supplementary activities fitting the concept of diversification and contributing to the greater visibility of women's contributions. In other cases, women prefer to contribute to the family income through looking for work outside the fishing industry.

The need to change women's status had a great bearing on the final debate – particularly through a legal recognition for their work. The participants particularly noticed the large gap between legislation at European level and national rights. Directive 86/613/EEC of the Council of European Communities on the application of the principle of equal treatment for men and women who are engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood is aimed at recognising the work of spouses. Article 2 of the directive explains that its provisions concern not only self-employed people, but also their unpaid non-employed spouses who regularly play a role in the business of the self-employed worker as defined in national legislation and who carry out the same or supplementary tasks (art. 2b). Article 7 calls for Member States to examine the conditions for recognising jobs performed by spouses



and for planning initiatives to encourage such recognition. Getting a replacement worker during pregnancy or motherhood is also a provision requested by the directive (art. 8).

The provisions of directive 86/613/EEC also cover jobs carried out by fishermen's spouses. The debate about the legal status of fishermen's wives reveals that very few Member States have implemented the provisions of this European directive. Only in France does the spouse hold a legal status meeting these provisions: the status of "conjointe collaboratrice" (*spouse employee*). Member States could perhaps use a timely reminder that the provisions of this European directive must be translated into national law.

# Presentation of the FEMMES programme

By Katia Frangoudes

The production of seafood products is dominated by traditional, family organisations across all European coastal areas. Within such a context, it is hardly difficult to understand that women play an important role in the family company (administrations etc). For a long time, the work of these women was informal or unknown, and therefore unrecognised. As these women are the only link between dry land and the vessels out at sea, they take care of a whole series of jobs. To a certain extent, their tasks are an extension of their normal domestic duties and therefore not liable for any special recognition. It is precisely this female contribution to the fishing industry that has to be explained and demonstrated in order to bring about some form of recognition across the European Union.

In some European countries, women play a significant role in the production and sale of seafood. These are more visible jobs than those mentioned above, and yet they still go unrecognised. Shellfishers women (mariscadoras) had to fight to gain professional status. And still some women working in production and sales do not necessarily hold professional recognition.

The difficulty in defining women's tasks within the fishing industry and having them recognised is also down to the lack of research devoted to this subject. There are relatively few researchers in social sciences working in the fishing sector compared to other fields (agriculture, for example). Apart from a few rare exceptions, researchers in social sciences are more concerned with developments in production tools (fishing gears) or in fisheries management than with the role of women in this industry. We could say that they are more interested in what happens out at sea than on dry land. Some research work, particularly in anthropology, refers to tasks carried out by women, when they study about social division of labour in fishing communities.

Through its Fisheries Directorate-General, the European Commission has gone some way towards tackling this lack of awareness through carrying out an investigation into the role of salaried women in the fishing industry, launching a study entitled: *"The role of women in European fisheries"*, focussing on areas dependant on fisheries. Some of you have been in Brussels to hear the results of this study. Although this study limited itself to the role of women with salaried positions within the fishing industry and ignores the informal role played by the majority of women, it remains up to now our only source of information on the subject.

The FEMMES programme has various objectives: first of all to set out the current **visible and invisible** contribution from women in fisheries and marine farming. The issue of women's participation in fishermen organisations will also come under scrutiny, be they exclusively women's organisations or inclusion in traditionally male professional organisations.

As researchers, we are also attempting to make trans-national comparisons, where possible, and set out the differences between different countries. The final goal is to prepare two separate documents (which I will call agendas, here). One of these is to be addressed at the political decision-makers, where we will put forward the demands of European women. The

other will be more oriented towards those in charge of research to highlight research needs on the subject of gender and equal opportunities.

The choice of countries participating in the project was a deliberate one. We wanted to include countries with a high level of organisation of women and also countries with no such organisation. The basic idea is that the experiences of some countries may prove useful to others. The level of exchange we hope to have here will enable us to understand the situation of women in other countries.

### **Practical details:**

We are organising three workshops, the first of which is being held today on the topic of the role of women within companies, as you are aware.

The second workshop will be about women's organisations: motives of creation, how to run and animate them when it is separate from men's professional organisations. This workshop is to be held in Finland in the third week of September 2003.

Furthermore, we are thinking of setting up national workshops in countries where this proves possible. They will give us a much better view of the diversity of the national situations as they stand in different countries...

The third workshop to be held as part of the programme could become a European conference on women in fisheries and marine farming. During this conference, researchers involved in the programme will present summaries and analyses made using information gathered during the various meetings. We will also invite researchers working on equal opportunities between men and women in other fields. The two documents (agendas) will be presented to all participants, who will have the chance to amend them and vote on them.

### **Other initiatives:**

- The preparation of a directory (hardcopy) of women's associations and organisations at European level is an entirely separate objective, as it will assist in setting up a European network of women, as requested by the Fisheries Directorate-General.
- The popularization of research papers or official documents, if possible translated into several languages. We are looking for a number of people who can work on this.
- A newsletter, where we present national profiles: each issue will focus on the current state of organisations and on progress made in gender issues and equal opportunities in a particular European country. Six issues are planned.
- The coordination and running of a website: [fishwomen.org](http://fishwomen.org), which you are invited to add to with useful information in different languages ...

# **Synthesis of the Workshop**

## **"Women and the Private Sector"**

## The participation of women in production

Within the European Union, the number of women in the fishing sector directly involved in production is low, representing only 3% of the fishers (MacAllister 2000). The women who have actively participated in this workshop have demonstrated the importance of their involvement to production. They have talked about the variety of the types of fishing that they carry out, the difficulties they have encountered, as well as the evolution of their work. As an example, the organisation of *mariscadoras* in Galicia continues to work towards professionalizing their activities and improving the management of the resources. There are also women working on fishing boats with or without their husband.

**Isabel Pérez Fernández, Espagne**

*Isabel Perez Fernandez is president of the group of mariscadoras of Cambados. She mentioned the sinking of the oil-tanker Prestige as a unifying moment.* There will be a before and an after the oil slick, both in that concerning the impact on the fishing communities and in the improvement of maritime regulations. The *rias* have been closed. The women, anxiously keep an eye on the weather reports, and wonder how much time will be needed for the recovery of the resource. Nevertheless, the State and the Regional Government of Galicia) have provided financial aid to those populations affected by the black tide.

Various families joined forces to initiate a movement: there are 380 vessels at Cambados and 293 *mariscadoras*. The women have had a decisive role in the movement against the black tide. They took it upon themselves to close the *rias* with 1,500 metres of barriers hand-made from materials they collected themselves.

***The tasks they undertook on a local scale:***

- Founded a collective,
- Organised the logistics of the cleaning operations, during which the fishermen collected the chunks of petrol with their bare-hands,
- Surveyed the coasts,
- Maintained the shore.

***The tasks they undertook on a regional scale:***

The women did not restrict their actions to a local scale. They organised and travelled to other harbours. Along with other regions, affected by the pollution, they became active in protecting the coastline against the oil pollution. The women became organised and financially pooled their resources. They closely maintained a watch over the health implications of developments along their coast.

Due to these actions, the women began to be viewed in a different light by their families.

#### **Discussion:**

**Question.** - According to you, how long will it take to repair the damages produced by the *Prestige*?

**Answer.** - We don't know. Maybe the scientists could give us an answer...

**Q.** - Have you been reimbursed? Under which programme have you received compensation?

**A.** - The oil still comes to the coast. We were reimbursed 1.200 € a month, like the fishermen. Then we went back to work, and we were no longer reimbursed. The fishermen have not been back onboard, and they continue to be reimbursed.

#### **Gaëlle Maltret, France**

*Gaëlle Maltret, crew woman, insists on the fact that the role of women in fishing is not limited to the harvesting activities, but represents a culture and a way of life.* Technically, women have access to the fishing activities but they face specific constraints related to this job. They find difficulties in the taking care of their children. Boarding schools, friends, family...all the solutions for substitutions are costly and a large portion of their salaries goes towards it.

Gaëlle believes that a management of the fishing business pertaining to the family- husband and wife as crew- is a solution for the future, and it can bring its own advantages. It would allow for a faster and more flexible organisation of work (a better distribution of work, adaptation of schedules...). Going out to sea would be a decision that would not involve a crew man/woman external to the family. Gaëlle offers two proposals based on her own experience:

1. Exploitation using two boats: the first one for the bait and the second one working on the target species.
2. Exploitation by using two boats practising two different types of fishing in order to enlarge the choice of the catches for the fish wholesalers or the immediate client.

Other observations by Gaëlle:

- The world of fishing is evolving slowly. Today, the women who administer the boat affairs are still not recognised nor equally paid, as was the case, in former times, for those involved in maintenance and repair.
- We have to ponder on how the women on land should be remunerated: as part of the boat, or as part of the crew?
- The “group of employers” as a solution for the employment of women should be looked into.

## **Camilla Osterman, Finland**

*A fisherman's wife, Camilla came into contact with the fishing sector at the beginning of the 80s.* There are few professional fishermen remaining in the islands where she lives and the majority of women are wage earners in an activity other than the fishing business.

Feeling a lack of information, Camilla became interested in the meetings of professional organisations. *"When I began attending these meetings, the men argued amongst themselves and didn't come to any decisions. They thought I was a journalist. But I was like them: a fisher"*.

Camilla is convinced that behind each man there is a woman indispensable to the success of the enterprise. At the same time, the men are the producers without which, there would be no fishing sector. *"The role of women is to be the essential link between the land and the sea, based on a professional, social, and cultural tripod"*. The women manage the administration of the fishing firm-banks, suppliers, accountancy.... They also take part in the maintenance of materials, the transformation of the catches, and the local sales.

As guardians of the social link between the family and the rest of the community, the women must also plan the time-table for the children, keep friendly and social relations and guarantee the day-to-day life. They are, indeed, responsible for the family's standard of living in the sense that fishing is not always profitable, and, therefore, it is necessary for them to find paid employment elsewhere. Furthermore, the women are the custodians of the cultural heritage. They take it upon themselves to keep alive the image of fishing so that it will continue to exist in their communities.

Camilla is tough with men: *"Security is an important part of our role. Men often can't think beyond their own noses. Women must support and help them in the use of safety equipments"*.

## **Discussion:**

**Question. - What is the percentage of women working in the fishing sector in Finland?**

**Answer. -** The percentage is not known, but we have few fishermen or women who are 100% professionals. On land there are many women who take part in the processing of fish - filleting, gutting- and market sales. All these activities are carried out on a small scale in Finland. Most women are employed elsewhere. There are few women without a salary.

## **Dolorès Bermudez Rodriguez, Spain**

*Dolores is a mariscadora in Galicia. Her work was interrupted by the sinking of the Prestige. She is president of a recently constituted Federation under the name of AREAL (Asociación de profesionales do Marisqueo a Pé de Galicia). This Federation represents 80% of the mariscadoras existing in Galicia.*

The *mariscadoras* collect the shellfish from the shore. Onboard the fishing vessels, 90% are men and 10% are women. Yet on the strand, 10% are men and 90% are women. More than 4,500 *mariscadoras* take part in this activity: *"We are accepted by the organisations of men and we pay a social security contribution. Legally, we have the same rights as men. Our work has been made professional, but economically we still have much to claim"*. For instance, the

men at sea may change their *métier* or move fishing zone when they face a depletion of certain species, but not so the women on the strand.

By having their trade recognised as professional, the women have increased their profits and defined a wage threshold:

- In 1996 : 11,000 women worked without status for an annual income of 600 to 1,200 € ;
- In 2003 : More than 4,500 registered women worked for an annual income of 2,400 €. Some earned 6,000 to 7,000 € and others up to 15,000 € a year.

### ***Professionnalization process of the mariscadoras***

European funds made it possible for the women to receive advice from a technician, and then to engage in the process of professionnalization of their activity. This technician in marine biology plays an important role in the education of women who have the willingness, but not necessarily the knowledge, to rationalise the production.

#### ***1<sup>st</sup> step: to identify a group, to exist collectively***

- Followed by training to organise themselves,
- Foundation of a professional association.

#### ***2<sup>nd</sup> step: becoming professionals***

- Control of fraud in order to put an end to illegal activities in the profession. They helped the authorities to do this,
- Research of subsidies to spurt the breeding of clams.

#### ***3<sup>rd</sup> step: financial autonomy***

- Establishment of a capitalization fund for purchasing spat

#### ***4<sup>th</sup> step: from harvesting to marine culture***

- Looking at the whole production process of shellfish industry, to move from a harvesting activity to the shellfish marine culture. To this aim, they have established two hatching projects aiming towards self-production of seeds, that is to say, to achieve autonomy as breeders
- Regeneration of the banks

#### ***5<sup>th</sup> step: to develop the extent of culture and to disseminate information***

- The exploitation is done on communal allotments, some of which are adequate but others have scarcely been exploited. The aim is to extend the activity of the *mariscadoras*, to make their work known and to earn a better living. In regrouping themselves they believe: “Together we can succeed”.

Other remarks by Dolores:

- As to the Prestige, it is too soon to assess all the consequences of the pollution. Facing the elements is the most difficult part for the *mariscadoras*. In two years, they have lost almost 70% of production.



- “The European Commission (DG Fisheries) has not fully recognised our role in the MacAllister report. We would like recognition on a European scale, such as we have achieved on a Spanish level”.

### **Pencha Santasmarinas Raposo, Spain**

#### ***Pencha is in charge of the department of training within the Fisheries direction Galicia.***

90% of the harvesting of shellfish in Spain is carried out by women. At first, they did not receive any aid and were faced with discrimination. Fishing is done for and by men: “As long as I’m on board, there will be no women” is a proclamation you can, still today, hear on the quays. At the end of the year, when the *cofradias* hand out the New Year’s gifts, only the men are awarded. The *mariscadoras* are forgotten.

Their own income is low: an average of 600 up to 1,600 € per woman in yearly gains; the result of a very disadvantageous agreement with the purchasers. Introducing education on how to manage the resource and the activity seemed like a good way to become involved in the sector, to improve the quality of shellfish and, above all, to put an end to fraud. Regulations, like the minimum size of the catches, were absolutely necessary to avoid the depletion of the resource.

With these improvements, the *mariscadoras* have secured an increase of their personal income and in their quality of life. While at the beginning, 10% of them paid social security contributions today almost all of them are contributors.

“The women did not believe that they could be helped in finding their own place in fishing”. At present, they are well integrated; they like their profession and participate in very active associations. “AREAL” is regrouping 24 associations of *mariscadoras*. A spectacular change has taken place. These numerous changes have allowed for a revolution of the sector. It would be important to measure to what extent these changes have been secured.

The objectives being set today by the federation are:

- to represent the *mariscadoras* in the fishing Council of the Autonomy (the region) of Galicia.
- to be better rooted in the men’s organisations (*cofradias*),
- to become independent:
  - a) by buying seeds,
  - b) by improving of working conditions,
- to continue towards becoming professional with the help of a scientist in each group of fisherwomen,
- to improve the value of their products by labelling their origin.

## **Discussion:**

### **Question. - Who sells the seeds?**

**Answer.-** The seeds are bought in private hatcheries, mainly from Santander. The aim of *mariscadoras* is to establish their own hatchery.

### **Q. - How many days a month do they work?**

**A. -** There are around fifteen days of work. The banks don't produce as much as they should. Formerly, there were six months of closing time from March to September. Now half of their time working on the shore is not paid: maintenance of the strand, monitoring.... But the counterpart is that they now can work all year long, and can guarantee a wage each month.

### **Q. - Who manages the access rights?**

**A. -** The administration confines the fishing rights to public concessions. It gives out permits according to a regime of authorisation which itself is administered by *cofradias* (fishermen organisations). The sector is much organised. There are not many private concessions. The fisheries authority of the autonomous region manages the inland waters (*rias*, bays, etc.) and the national fisheries authority manages the territorial sea, which reaches out to 12 miles.

### **Q. - Is Galicia an eligible area for structural funds of the European Commission? What subsidies are you eligible for?**

**A. -** Galicia is classified under Objective 1. The Fisheries Council takes care of that which concerns the FIFG (Financial Instrument for Fisheries Guidance). The projects are handed in and, in cases of eligibility, they benefit from community funding.

## **Specifications by Jose Alberto de Santiago, Spain**

Nowadays, there is an annual exploitation plan of shellfish, which is jointly established each year in October by the women and the scientists. The voluntary jobs dedicated to the cleaning of the beaches take as much time as fishing in its proper sense. But thanks to the work carried out by the scientists and the *mariscadoras*, we can see, throughout the year, a regeneration of the strand and an improvement of the yield. Many of the tasks are not remunerated. The women have adopted a general view, which extends from the production to the sales of shellfish on the market. It is thanks to this exploitation plan that the *mariscadoras* benefit from an annual salary.

## ***Overview of the exchanges***

### **The participation of women in production**

#### **In France**

The participation of women in the production would benefit from social arrangements concerning childcare.

The exploitation of a vessel by a couple would provide a more efficient method of organisation. It can be economically more profitable (diversification of the income). The livelihood of a way of life is at stake.

#### **In Finland**

*“Behind each man there is a woman indispensable to the success of the enterprise”*. The fisherman’s wife carries out various tasks: short and long-term administration of the enterprise, safety at sea for the fishermen, and the transmission of the maritime culture.

#### **In Spain**

The group of *mariscadoras* have collectively reacted to the oil slick of the *Prestige* and have organised themselves to form a movement. The logistics of voluntary de-polluters and the surveillance of the coasts have had a beneficial impact on the personal autonomy of the *mariscadoras*.

4,500 *mariscadoras* have adopted a general view of the process of production since the 90s. They have moved towards a collective exploitation and towards the mastery of reproduction and of commercialisation. Their incomes have increased and the resource sustains. The *mariscadoras* ask for recognition of their profession on a European scale.

#### **Highlights:**

- Recognition of a professional activity and of the right to have a living from the sea,
- Preservation of the maritime culture and heritage in the coastal communities.

## The participation of women in the construction and mending of fishing nets

The construction and mending of fishing nets are tasks that have been traditionally carried out by women. Today, it is important to know if changes have taken place. The different points of view gathered during the workshop show that the women continue to play an important role but have to compromise with competition from retired fishermen.

### Valbarena Trigo Duran, Spain

*Valbarena is a net mender, born into a family of fishermen. She has forty years experience.* She works in the manufacture and mending of fishing nets for a company which usually has four set employees but which may employ up to ten in periods of intense activity. It takes a month and a half to make a seine net of 6,600 m<sup>2</sup>. The wage is 4 € per hour.

The women net menders' competence is widely recognized. It is a real trade requiring real qualification. Today there are many women who abandon this trade in order to carry out less monotonous, less binding and more profitable activities.

Another reason that this trade risks disappearance, is its relocation into other, mainly third, countries. However, vessels from other Spanish regions, including those that fish tuna in the Indian Ocean, come to the Galician suppliers of nets. The Japanese have also come to buy nets from Valbarena's workshop.

Women net menders demand the implementation of financial and administrative tools which will allow them to professionalize their activity and, consequently, to ensure a living. According to Valbarena, *"for a boat, the net has the same importance as the motor"*. To avoid the relocation of net manufacturing or mending, each boat should be aware of the advantages of having their nets exclusively made. We must also remember that net mending is a way of life and a cultural heritage that should be passed on to future generations of coastal communities.

### Inacia Quinzico, Portugal

*Inacia is a fisherman wife.* Women from the fishing communities in central Portugal are very active. They are involved in various activities including mending, administering, marketing, and river and sea fishing.

There are differences between the fishing communities across the country. The Portuguese delegation present at Brest comprised of two women employed by a local boat owner and two owners' wives who are unpaid workers.

### **Maria Eugenia Cardoso, Portugal**

***Maria Eugenia is a trade union member in a net construction business: "I teach the trade techniques".*** The working conditions have not changed since the Salazar dictatorship, when there were 25 trade union members and 25 non-members. After the Portuguese revolution on 25th April 1974, more than 20 young women joined the trade union, but this had no impact on the working conditions. The younger ones left to work elsewhere. The older women remained as members and were regrouped under Pesca-Gest<sup>1</sup>. They are a group of about a dozen. *"We continue to work in bad weather, on board, on land, on the streets"*. Eugenia thinks that her job is arduous but necessary. The women are day workers, earning 20 euros a day. After paying social security contributions, they are left with 18.50 euros. Their living conditions are precarious.

In Peniche, as in many other Portuguese harbours, the retired fishermen receive a retirement pension that is insufficient for making a living. Those who know how to mend nets come to look for work at 9 o'clock in the morning. *"There is work every day from May to December. The rest of the time, there isn't any. Us women, who are the most professional, we are sacrificed, exploited. The retired have priority over us"*. The women net menders, in an act of solidarity, have decided to work under a rotation scheme so that each one can make enough for a living.

### **Discussion:**

**Question.- Are retired fishermen who work as net menders covered by a social insurance?**

**Answer. -** No. This creates an inequality between us because we are workers with a right to a social insurance. In fact, the poorest, retired fishermen and women workers are in competition for survival. Women who earn a salary, who pay NI contributions and who have a need to make a living are competing unfairly with men whose retirement pensions are insufficient and who do not have a right to a social insurance.

### **Inacia Quinzico, Portugal**

***Inacia built and mends nets for her husband's vessel.*** She has chosen to pay her own NI contributions but she is not paid for her work. She mends nets at home and is also in charge of the accountancy of the boat.

Portuguese women who work with beach seines do not receive the same wages as men. For example, in Aveiro, the six men unfolding nets on board are paid twice as much as the twenty-two women who extend the nets on the beach.

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<sup>1</sup> Pesca-Gest is a net workshop.

## **Discussion:**

**Q. - Who pays the social insurances of a woman net mender who has a social insurance but no salary? Her husband?**

**A. -** My husband's a skipper/owner. He pays the social taxes on the crew part of the income. This allows for wives to have access to a social insurance, even if they don't get paid a salary.

**Cristina Moço, Portugal**

In Portugal, there is an obligation to sell the catches on auction: 10% of the total value of the sales is paid as NI contributions. Between 3.5 to 4% is added to cover for work-related accidents. This means that if the sales are not auctioned, no social insurance is paid. The NI distributes the money paid by each boat between its crew members using two criteria: the number of people insured and the number of working days. If the crew recruits an extra member, the owner's wife for instance, then the social security benefits suffer a direct reduction.

In order to receive the benefits of the retirement pension at the age of 55, it is necessary to have contributed to the national insurance for 30 years, having worked at least 150 days per year. The days that the boats don't go fishing don't count towards the retirement pension. And there are frauds. Some boats don't sell their landings in auctions and others don't pay the taxes when there has been a bad fishing day. Consequently, the total amount of the fishermen's retirement pension is not big enough to make a living and so they search for jobs that will provide them with a supplementary income.

**Q. - What is the output of the teaching of mending techniques?**

**A. -** Training does not necessarily lead to a net-mending job. Our work is useful but there is a real crisis because there are fewer boats. If mending is carried out by the skipper or another active male member of the crew, then time is taken away from actual fishing. However, the cost of this labour force is too high for the fishing firm to make a profit. That's why most of the time it's the retired fishermen who do the job, because they get paid half the salary. Or it's the women of the family business who do it, which means that sometimes they don't get paid. *"When we're not there the fishermen realise how much they need us"*. If monthly wages were paid instead of daily wages, women would feel socially more recognised.

## *Overview of the exchanges*

### **The participation of women in the confectioning & mending of fishing nets**

#### In Spain

Designing, manufacturing and mending fishing nets: weaver-menders must be well-qualified to do their job. The trade, victim of the relocation process, is about to disappear. Galician women ask for financing in order to defend their trade. They believe that their label is a quality guarantee of their work and that they represent part of the fishing communities' culture.

#### In Portugal

The role of women varies across the coastal communities. Regarding the net menders present at Brest there are two categories: those who earn a salary (with or without social insurance) and fishermen's wives working without earning a wage. All of these net menders are trained and qualified for their job. For those women who work in the factories, this activity occupies three-quarters of the year. These days' labourers must go out every day, regardless of the weather, in search of a job on board or on land. Some fishermen's wives have a right to social insurance but they do not earn a salary. All of them consider the net mender trade to be in crisis. They are in competition with retired fishermen with low retirement pensions. Profits are low for the fishing firms and the productivity gains come from the women's work.

#### **Highlights:**

Competition exists between the labour forces of poor and rich countries. It exists also between workers at the lower scale in the same country: women net menders share the some difficulties with other sectors of activity. The challenge is to pay women adequately without destroying the family fishing business which they belong to. In Spain as in Portugal, the net menders ask for recognition of their profession.

## The role of women in the sale of seafood products

Wives, mothers and sisters have always taken care of the sales side of the family business. In the past, direct selling on market stalls was the only way of selling produce, and this method of selling could extend to towns and villages neighbouring the port. This traditional job is undergoing changes due to the fact that although numerous distribution networks exist nowadays, direct selling above all allows for better product promotion.

**José Alberto de Santiago, Spain**

*José is a biologist. He currently works for a cofradia (fisherman's organisation) in Cambados, as a technical consultant for mariscadoras. He draws up yearly shellfish management plans with them.*

In Cambados, like everywhere in Galicia, encouraging customer loyalty has been one of the first things *mariscadoras* do. Their aim was to stimulate the competition between purchasers in order to sell their produce at the best possible price. They had to move from using a sole purchaser to the possibilities presented by selling their produce to five or six *Cambados* purchasers. To achieve this, the *mariscadoras* are bound by successive legislation dating from 1999 and in particular by the decree laying down the rules for selling fresh shellfish. This 1999 decree stipulates that the landings and first sale of shellfish should obligatorily be held as auctions<sup>2</sup>. They have also introduced a series of specifications through which the *cofradias* check produce (minimum size, quality), and they oblige people in the trade to follow strict health regulations for transporting fresh shellfish.

The *mariscadoras* contribute to the auction running costs by paying a commission of up to 1% of total sales.

How have women tried to improve their trade?

- by grouping together in associations,
- by making their business professional,
- by applying resource management plans,
- by fixing steady prices over the course of a year through demand for quality produce,
- by looking to maintain and develop production through investments in order, for example, to produce seed clams themselves.

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<sup>2</sup> For shellfish coming from public concessions, private concessions not being applicable.



## **Rosa Diaz, Portugal**

***Rosa is a retail fish trader.*** Generally speaking, women perform this kind of work. She is a licensed mobile trader. This licence permits her to purchase fish at wholesales market who sell produce on to retailers such as Rosa. Auctions take place at seven o'clock in the morning. She then goes on to sell fish from her van. She sells approximately 60kg of fish per day. In the afternoons, she sells her husband's fish, which he catches with a beach seine. She also takes care of boat management.

## **Christine Blanchard, France.**

***Christine is a wife of small scale fisherman who operates on a six metre vessel on L'Etang de Bages-Sigean.*** Eel fishing provides the majority of their income, but is concentrated within a short time period. They fish for different species for the rest of the year. Christine describes the role of fishermen's wives in the *Etang*.

Fishermen's wives take part in running the boats and they look after administrative duties, net repairs, etc. Yet they are not declared workers. With the fishing industry becoming less and less profitable, the younger women work elsewhere in order to add to the family income.

To a lesser or greater extent, women take part in selling. Some women choose to sell their fish door-to-door, either during the week or only on weekends. They can also sell right on the quayside, upon the boat's docking, making the port more active. This type of selling is encouraged by the municipal authorities in tourist destinations, who sponsor the standardisation of points of sale. Finally, some women sell at markets, attracting a loyal customer base.

Christine goes on to describe a growth in sales: the sale of ready-prepared eels – something that was not previously a part of consumer habits. In her region, consumers prefer to buy live eels rather than dead ones. She sells two types of product: prepared eels - which lose 22% of their weight but provide a high increase in price after processing (an additional two euros per kilo) – and live eels. Christine was a trader from 1983 to 1999. She has come to the conclusion that selling ready-prepared products generates higher revenues. Christine transported her produce in an unrefrigerated and uninsulated van. However, she obtained the tacit agreement of the maritime authorities that as long as she didn't use major roads (*route nationale*), she would not be subject to inspection.

For a long time, she was the only person to practice this type of selling. People's way of thinking changed following her initiative, however.

### **Question: Were you declared and under social security when you were a salesperson?**

**Answer:** No, I was undeclared and stayed as my husband's legal beneficiary. Women think less about social security coverage than they do about their own personal revenue – something they view as a guarantee of independence within the couple, and as their contribution to family income.

## ***Overview of exchanges***

### **The role of women in the sale of seafood products**

#### **Spain**

*Mariscadoras* have been able to set prices for the shellfish through setting up a series of specifications. They sell their produce at auction to several buyers, instead of just one.

#### **Portugal**

Fishermen's wives need administrative authorisation in order to become retail sellers. This authorisation allows them to purchase fish from producers other than their husbands, or from wholesalers.

They also take care of boat management, thereby giving them a heavy workload.

#### **France**

Fishermen's wives who add to the income of very small vessels through selling their catches are rarely declared.

At a local level, the authorities tolerate some breaches of health standards.

#### **Highlights:**

Galician women have shown that it is possible to get a higher level of income and to a better market structure through group action. For other women, however, selling has not given rise to any legal recognition.

## Diversification of family businesses

Many diversification initiatives exist within the European fishing and aquaculture industries. By introducing this topic into the workshop, we were looking at the progress of these various initiatives and at the role these women have been able to play in setting them up. Secondly, we should examine how the participants have reacted to this issue.

The examples given below relate to the creation of tourist lodgings, the creation of seafood processing workshops, and even the organisation of oyster-farm tours for tourists, etc. Yet all these initiatives remain linked to the main household business: fishing or aquaculture. The examples below have all met with success, judging by the increase in family income. However, the women taking part do not have a very positive outlook on diversification.

### **Christine Blanchard, France**

*Christine offered two solutions for increasing family income levels which have seen drastic cuts due to smaller catches. Firstly, she has sought a salaried position outside the family business while her husband continues to fish, and secondly she has diversified her activities, be this linked to running the boat or not.* She circulated a leaflet around the participants, about the tourist bed and breakfast accommodation started by a fisherman and his wife in the Narbonnais Regional Nature Park. The couple noticed that: there were many accommodation possibilities along the coastline, but there was a terrible lack of accommodation further inland. It seemed to them that some tourists would probably like to see the countryside further inland, looking for a real local experience. They therefore decided to renovate some buildings to transform them into rural guesthouses.

The Local Committee of fisheries (*Comité Local des Pêches Maritimes*) in Port-Vendres played a decisive role in helping the couple in their diversification plans. They first of all helped with setting up a finance application and then published the first advertising brochures. Catering and accommodation now make up their main source of income. This counts as diversification and not conversion in that the fishing activities supply the restaurant with fish. Furthermore, a second vessel has been fitted out to take customers out on boat trips.

### **Agneta Jansson, Finland**

*Agneta lives on an island, on a seventeenth century farm inherited from her family. She has set up a fishing and tourism (room rental) company with her husband.*

Incomes from fishing and from tourist accommodation are on a par in their company. However, the development of the tourist side of the business has changed their way of selling produce:

- in 1992, 90% of fresh fish was sold to fish wholesalers
- in 2002, 80% of catches were processed and sold directly to tourists.

A warehouse on the farm has been converted into a processing workshop, where fish are marinated or smoked. Workshop tours make more people aware of her produce and encourage customer growth. She has also opened a shop at the port, where she sells her products to passing tourists.

Agneta took risks by making investments so that this diversification might succeed, and she has no regrets.

### **Dominique Richiero, France**

*Dominique has been a shellfish breeder in the Charente Maritime region for the past 29 years. She is president of the Professional Association of Women Shellfish Breeders in the Marennes Oléron Basin (APCBMO – Association Professionnelle des Conchylicultrices du Bassin de Marennes Oléron).*

The APCBMO was founded in 1983 in order to add weight to the demands of female shellfish breeders' and to give them legal status. Since 1993, Dominique has been considering the possibilities of rural tourism based around the shellfish business, along with other female oyster farmers. Her reasoning was that tourism was growing on the Charente region coast, and yet the economic situation of oyster-farming companies was getting worse. This gave rise to the "*Tourisme Bleu*" (*Blue Tourism*) project, aimed at developing awareness in maritime heritage and professions linked to the sea. It has various local partners and benefits from county (*département*), regional and European funding (ESF).

The "*Tourisme Bleu*" project was carried out over two years. It is devoted to building awareness in rural tourism reception. Study visits to Brittany and the Loire Valley were organised to explore initiatives such as the "oyster trail", a sea farm and hostel.

At the end of these two years, the "*Terres Marines*" (*Sea Country*) association was created. The idea was to develop a network for discovering sea products and professions across the whole Marennes-Oléron area, and to take part in protecting the professional working zones (sea and marshes) through creating awareness of it and respecting it. The idea was also to create additional income, of course. The *Terres Marines* association groups together professionals who organise tours of their concessions, including product tasting, and also includes oyster farmers who allow tourists onto their boats when they go out to work on their oyster farms. Fees are paid to the association. Leaflets are distributed locally (tourist offices, campsites, other sites linked to the various professions).

This initiative has brought many positive results:

1. Affects on income: members of the *Terres Marines* network welcome between 1000 and 2000 visitors per year. Yet profits have been fairly insubstantial, apart from the case of one member who opened a marine hostel farm which now provides 50% of their turnover. In Dominique's case, these tours only amount to 7% of her income. She does aim to at least double this figure, however, through producing her own advertising and pursuing a more commercial path. The problem lies in finding a

reasonable balance between the tourism activities and the oyster-farming business, so that tourism does not expand to the detriment of oyster-farming.

2. Affects on the image of Marennes Oléron oysters: first and foremost through the promotion of the Marennes Oléron basin and the surrounding area. Visitors discover the region, the trades-people and local knowledge and the leave with the image of a quality product. Environmental protection is also improved, with visitors learning to respect nature, and also with the oyster farmers themselves developing their environmental awareness (workshop cabin maintenance, general cleanliness of surrounding area).
3. Affects on recognition of women's roles: Before setting up these tourism activities, women met oyster farmers in order to explain about their project and to convince them to accept the presence of tourist coaches at oyster-farming sites. Little by little, oyster farmers have begun to understand the advantages of these initiatives and in time, they have become members of the association. Since this happened, workers in certain channels have organised day-long events together to spend time with tourists and to give tastings of local produce. Men have recognised that their wives are serious about what they are doing, and that they are going about it in a professional manner. They have also become aware of the importance of the role played by women in their businesses. Even the most resistant of the men have accepted the fact that their wives are demanding some kind of social status.

For Dominique, the APCBMO has carried on fighting for legal status being granted to female shellfish-breeders, while developing marine tourism. Significant media awareness (many newspaper articles, radio and television programmes) both nationally and locally, has systematically paved the way for addressing the issue of the absence of legal recognition for female shellfish-breeders. Elected politicians and trade professionals have also been more ready to listen to the demands of the APCBMO.

### **Sally Barnes, Ireland**

*A fisherman's wife, Sally has become a wild salmon purchaser and processor.*

She wasn't a part of the fishing community. Her ands her husband moved to a remote village in South West Ireland in 1975. They bought an eight-metre long boat to salmon line fishing for six months, from March to September. A sole purchaser bought all their produce and dictated the price.

Something happened to make Sally think again and take a step towards diversification. Their fish wholesaler had owed them money for some time and offered to pay them in kind: a fish smokehouse to clear his debt. She saw this as an opportunity to market her husband's produce herself. As salmon is a highly perishable fish, it must either be sold quickly or preserved through smoking. She learnt how to smoke fish and launched her own small company selling smoked salmon direct to customers. She developed her business in 1994 by purchasing a processing plant, financed through a bank loan. At the time, she managed both her own company and her husband's boat.

Sally defines herself as "a freshly-caught fish processor (tuna, herring, mackerel, sprat etc). She buys her fish from local fishermen at a higher price than the wholesalers pay. Her company has four permanent staff and uses four temporary staff during the high season

(Christmas). Her company is doing so well that the local authorities have suggesting enlarging her worksite. She is tempted – as standards compliance is becoming a necessity – but she is wary of borrowing more money.

Sally would like to share her experience in two ways: her technical know-how (smoking), and also on the more personal level – the ability of women living alone to be financially independent.

### **Raymonde Marrec, France**

***Director of the AGECO,<sup>3</sup> Management Centre in Concarneau. Raymonde's father and grandfather were both fishermen.*** Her grandfather was both a fisherman and a farmer. Her father took part in creating a fishermen's organisation, the aim of which was to maintain the price of fish.

AGECO is a management and consultancy body which was originally devoted entirely to the fishing industry. The restructuring of this management centre is in itself an example of economic changes happening in the fishing industry. Raymonde has found a new client-base among very small companies in other fields, using her experience of working with small fishing companies (of between one and six fishermen). Fishing boats still count among her clients, but they are now in a minority. Raymonde gives us a possible route for diversification for fishing companies: clothing manufacture. She reminds us that initiatives can be put to the test by ID.Mer (research centre for testing new products), in Lorient.

## **Discussion**

All participants spoke about what the word "diversification" means to them:

### **United Kingdom**

In this country, diversification is understood to be the participation in other activities linked with the fishing industry – fish processing, for example (smoking, curing). The development of these activities permits fishing activities to relax and allows fishing stocks to build up so that people may continue to live off sea products.

In Cornwall, a region attracting a great many tourists, we can see many kinds of diversification for fishermen: fish processing, guided tours for tourists, bed and breakfast accommodation for tourists, etc.

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<sup>3</sup> *Association de Conseil et de Formation* (Training and consultancy association) for companies involved in fishing, marine cultivation, food processing of seafood products, coastal tourism etc.

## **Spain**

Spain has a long experience of multiple jobs holding, and diversification does not seem to be a totally new concept.

In Spain, fishing communities develop investment strategies mainly revolving around the development of tourism:

- stable activities for young men and women to diversify their income from fishing,
- sale of catches to restaurants,
- fishermen's use of restaurants supplying a market for their catches.

In some villages, however, fishermen are resisting this move towards multiple job holding. They stick solely to their production business. They are very wary of the tourist industry.

## **Portugal**

The individual example of Nazaré is given. Tourism is now a year-long activity, as opposed to other areas where tourism is more seasonal. However, fishermen's families are not making much profit from the development of tourist activities. Fishing remains their main activity – an activity that provides a sense of community identity.

**A question arises out of this: is diversification the only solution for the survival of the maritime world?**

## **Yvette Déru, France**

Ms. Déru is against the idea of diversification. Pointing out the damage caused by pollution in the sea, she refuses to accept that fishermen should have to look for other sources of income without first identifying the causes of the shortfall in fishing stocks, and the impact of industrial fishing.

## **Liliane Carriou, France**

Ms. Carriou encourages women to act as soon as possible in order to avoid diversification becoming a mere pretext for reconversion – which would mean the end of small-scale fishing.

## **Marie-Ange Durand, France**

Ms. Durand protests against the word 'diversification', recalling that this concept was only recently preceded by the word 'reconversion'. She talks of a Europe-sponsored 'massacre' of fishing communities. She believes that the European Community is quietly organising the elimination of the fishing industry.

**Sheryll Murray, United Kingdom**

Diversification could truly improve company income. But women will be hard pushed to fund their own initiatives, particularly since the profitability of fishing companies is on the decrease. This is where the European Community could intervene to help women. In the United Kingdom, European funding for diversification projects is not being distributed, as the nation state refuses to put forward its own share of the funding.

**Maurizio Bentivegna (Directorate General Fisheries / EC)**

Mr. Bentivegna states that what was just said was a problem limited to Great Britain alone. The last reform was amended in spite of opposition from France and Spain, and funding for diversification has been brought in.

**Michèle Pendelièvre, France**

Ms. Pendelièvre points out that although there are stocks depletion in EU Member States, fish is getting cheaper and cheaper in these same states. While all this is happening, Member States of the European Community are plundering the fishing stocks of other countries. All this is the result of liberal policies. Why isn't European fish sold at a price consistent with its scarcity? In order to defend the fishing industry, women have to work in fields they are not trained for: fisheries management, biology, citizens' rights etc.

**Françoise-Edmonde Morin, France**

Ms. Morin states that the concept of diversification is exactly the same thing as multiple job holding – something that has been practiced along the French coast all year round for a long time. Women had sea-based activities (shellfish picking, work on board boats, net-repairing, preparation of bait, transportation and sale of catches, etc), agricultural activities (picking and sale of fruit and vegetables, market gardening, work on the land etc) and other activities (lace-making, small jobs, temporary factory work). As long as it is not a pretext for eliminating fishing boats, and as long as funding is made available, diversification presents no danger. It is a revitalising concept for the industry and a fulfilling one for women. People should not put all their effort into just tourism, but should also explore other fields, both on land and at sea.

**José Pascual, Spain**

Mass tourism could certainly overwhelm fishing areas, both on land and at sea. However, fishing could be promoted through more selective tourism if this is to remain the principal activity. In any case, as things stand in Spanish law currently, it is impossible to take tourists – or any other kind of passenger – on board fishing vessels. Regulations do not permit this.



### **Sylvie Murhpy, Ireland**

Ms. Murphy describes her own route which led her to become the French vice-consul in fisheries matters in Ireland. Her experiences led her to try and resolve the socio-professional problems of fishermen and fish traders working far from home. She would like to see both private and State bodies to become more aware of the potential posed by the industry.

### **Sally Barnes, Ireland**

Ms. Barnes points out the wide diversity in points of view from the workshop participants. In her opinion, horizons need to be widened in the seafaring community by a variety of means, including:

- the promotion of general education,
- more IT access to combat isolation,
- training for women through distance learning at university level (Open University), thanks to EC funding.

### **Lena Talvitie, Finland**

Ms. Talvitie defends coastal fishing, making the following points:

- Growing stock depletion are not solely the fishermen's own fault, but are also linked to pollution.
- The European Community tends to aim more at monitoring large areas, and coastal fishing suffers because of this. More restricted areas should be monitored.
- Women organise their activities on a small scale particularly in the coastal fishing industry. Nothing is done to support these small businesses. Funding goes to larger businesses.

### **Ruth Buchan, United Kingdom**

Ms. Buchan appreciates the initiatives undertaken by other women, but where she lives in Scotland, good weather only lasts for a few weeks. How is it possible to attract visitors when it is rainy and overcast for most of the year? If diversification into tourism is the only solution, what will become of the fishermen in her area?

### **Maria Eugenia Cardoso, Portugal**

Ms. Cardoso is totally against the idea that fishermen should make even more sacrifices to maintain their businesses. Portuguese fishing communities are in a precarious state and have to look for work elsewhere. What more can be asked of them?

### **Joan O'Doherty, Ireland**

As opposed to other industries experiencing difficulties, fishing has not been forgotten by Europe: the European Community has brought funding to the industry – the problem lies in the way this funding is distributed. In Ireland, those in charge have granted funding to boats that have a history of destroying fishing stocks, without taking into account the long-term consequences of their decisions.

### **Rosa Diaz, Portugal**

*« It's true, this is a tough situation. There isn't enough fish. And when we do get to fish, the price is dreadful. Almost all the canneries that used to buy our sardines have closed down. On top of all this, we have to compete with Spanish imports. The price per pot of sardines is €15, and I manage to sell about 70 of these per day, but to do that I have to sell directly».*

Rosa has tried to increase the family income. She passed her driving test and bought a van. She got a sales license. She says: *« We can't cope. I would like my son to go into another trade. I see no future in this profession. I have no means of helping my husband, who I watch struggling».*

## ***Overview of exchanges***

### **Diversification of family businesses**

#### **France**

Three examples of diversification show that the help of an institution or an association can be a decisive factor in the success of a project. 1) A professional committee helped a couple diversify their business into tourist accommodation, while keeping their fishing business (application for financing, distribution of information). 2) A women's association motivated all workers in an oyster-farm basin to promote their image. Resulting from this:

- Rise in value of the locality and of the produce,
- limited increase in income,
- better environmental protection,
- change in the way of thinking about women's skills.

3) A management centre broadens its skills through setting up diversification projects for companies with fewer than five employees.

#### **Finland**

The coastline is a tourist area. Some fishermen have changed their way of selling their produce. They have stopped selling fresh fish to wholesalers seeking to pay the lowest price, in order to sell processed products to private customers. They top up their income by providing accommodation and organised activities.

#### **Ireland**

A fisherman's wife became a buyer and processor of wild salmon. She set up her own company, in which she took on many responsibilities, from teaching processing techniques to the administrative and financial management of the workshop. She has created jobs.

#### **Highlights:**

Through diversification, women have tried to broaden the field of family businesses in order to increase income from family companies while keeping up the fishing business. Projects undertaken are mainly an extension of the fishing and marine cultivation activities rather than an actual alternative. Projects centred on tourism (selling, accommodation, catering), which constitute most projects; come up against the most resistance and other ways for diversification should be explored.

In spite of the success of the experiences described in this workshop, the participants do show themselves to be wary of diversification. For them, diversification is synonymous with reconversion.

## Ownership of production tools

The ownership of a vessel, of fishing rights and of other production tools were discussed during the workshop. The idea was to identify the differences that can exist between men and women as regards ownership rights. Women performing a job deemed essential to the company's survival do not have the same rights as their husbands regarding production tools, which usually stay under the husband's name.

**Sheryll Murray, United Kingdom**

*Sheryll was the head of a Producers' Organisation (PO). She takes on the issue of rights available to women in the United Kingdom regarding production tool ownership.*

Ownership rights for production tools in the United Kingdom apply to the vessel, the licence and the fishing quotas. The quotas and licences are closely linked, and may be exchanged between different vessels under certain circumstances.

### 1° Boat

The wife does not automatically gain ownership rights over the family fishing vessel. The deed of ownership of a vessel is made up of 64 shares, which are distributed among the partners in the case of co-ownership. Sheryll owns one share of the family vessel, which gives her the right to become the boat owner in the event of the death of her husband. In many fishermen's families, however, the wives hold no shares of the boat, and have no ownership rights, even though they have often worked in the company for many years.

### 2° Licence

Administered by the Government Fisheries Department, a licence is compulsory for fishing and selling catches. It is not automatically tied to a particular boat: purchasing a boat does not mean you have a right to fish – it does not automatically grant you a licence. Wives' names can be included on licences. Should this be the case, the Ministry will inform them of any changes in the regulations or of any decisions taken by their husbands.

### 3° Quotas

The quotas management system underwent reforms in 1999. Prior to 1999, fishing quotas were granted on the basis of the track record of the vessels' landings. This system was replaced by a Fixed Quota Allocations system, based on quota units with a value of 100kg to produce the 1999 allocations. These quotas are allocated in the form of quotas grouped together for Producers' Organisations (POs), which go on to draw up rules overseeing the management of this quota grouped between their members. The POs make up most of the British fleet of over 10 metres, but the Fisheries Department directly allocates some quotas to

vessels which do not belong to the POs. There are no special regulations for the quota allocated to vessels of under 10 metres, but executive decisions can be taken in particular circumstances: if these vessels' landings raise risks for the fishery, the decision to close it down can be made.

Sheryll believes the current quota system in the United Kingdom to be dominated by the POs. With this new system, the possibility is raised of transferability of quotas between POs which choose to manage their quota by allocating individual quota units to their members. These POs are lobbying the British government for the right to exchange these quota units. As a consequence, PO members using the internal individual quota units can exchange them, individually, amongst themselves. But the British government does not recognise ownership of the quotas or the legal right for a fisherman to appropriate a share of the national quota.

Many fishermen currently fail to understand how the system works. Sheryll believes that women must receive training on how the quota system works, in order to help their husbands, who simply do not have the time to learn all about this complex system.

Only those wives whose names appear on the fishing licence have the right to share quotas with their husbands.

#### **Question- Are fishing licences free of charge in the United Kingdom?**

**Answer** – Quotas and licences were free of charge until 1991. After this date, the government introduced sales aimed at compensating for the cost of structural fleet reduction plans.

When a fisherman retires his boat, his quotas can be sold.

#### **Lena Talvitie, Finland**

In principle, women may have ownership of the production tool, but this does not often translate into a reality. If the wife's name appears on an ownership deed, the husband must get her permission if he wants to sell the boat. But where only his name appears on this deed, the husband can sell the boat without asking his wife at all. Lena does not agree with this principle: *"My name appears on the invoices and I sign cheques: that should constitute sufficient proof of ownership"*.

Professional fishermen operate boats either as public limited companies, or as sole traders. The former company status protects the couple's personal property, but the latter does not.

#### ***Quotas***

There is no such thing as an individual quota in Finland. Quotas are set by species (a total quota per species is established for the whole of Finland). The only boats to require a licence are boats that fish for species subject to the quota. Lena believes that Finland has a relatively advantageous position as regards fishing rights.

## **Camilla Osterman, Finland**

Camilla details women's situation in Finland: if a couple is not married under a pre-nuptial agreement of separate estate, and have instead chosen the community of property, the woman is equally liable for any debts.

## **Everybody spoke in turn about pre-nuptial agreements and quotas**

**In Spain**, the available pre-nuptial agreements are as follows:

- community of property, in which case goods acquired are co-owned
- community of acquisitions
- separate estate, in which case goods acquired are in the husband's name

Furthermore, the wife can be a guarantor for loans, without necessarily owning the boat.

**In France**, fishing boats are generally registered in the husband's name. The name appearing on the boat registration document is deemed to be the vessel owner. Women cannot be boat owners, as they seldom have the required navigation qualifications.

In theory, the married couple who own the vessel should choose the prenuptial agreement of separate estate (without deposit signature). Yet in practice, most opt for community of property. In France, 80% of husbands owning a fishing boat are married under the community of property prenuptial agreement, and all household goods are lost in times of financial crisis.

The system is fairly rudimentary **in Ireland** as regards the protection of assets. Wives, on occasions, have been called on to be guarantors for loans and have been required to take out life policies sufficient to cover the costs of replacing their services to the vessel.

**In Portugal**, anybody can own a boat. The wife is legally the co-owner if she is married under a community of property agreement, and the husband may not sell the boat without his wife's agreement.

## **The issue of quotas aroused a great deal of interest**

## **Cristina Moço, Portugal**

Cristina states that licences in Portugal are granted to boats, and are drawn up per species. Quotas are directly managed by the public authorities. Portuguese quotas are for very few different species, but the opposition to the exchange and appropriation of quotas is unanimous.

The issue of individual quotas is important in Portugal, because their implementation would lead to great changes in the fishing industry. This industry is made up of a lot of small boats, and has little chance of surviving the implementation of such a system.

In places where individual transferable quotas are practiced, they have two consequences: transferability brings about a high concentration of the means of production, yet with no reduction in fishing practice, resulting in over-fishing of stocks. Cristina also raises the issue

of youth employment in the industry. The disappearance of small-scale fishing boats would drastically change coastal communities and their culture. For Cristina, small-scale fishing needs protection, as it uses less technology and catches fewer fish.

#### **Dolorès Bermudez Rodriguez, Spain**

Small boats in Galicia are generally quite old and unsafe. The fleet has to be renewed. For Dolores, renewal of the production tool is a more pressing problem than employment for young people. It must be stressed that as of 2008, boats over thirty years old may no longer sail. The European Commission must grant fleet renewal for small-scale coastal fishing.

#### **Christine Blanchard, France**

Licences and quotas are no longer transferable in France. PMEs (Permis de Mise en Exploitation – *Operational Licences*) are, however, highly sought after, and have become virtually marketable since the large reduction in possibilities for constructing new boats. To build a new boat nowadays, PMEs, or "kilowatts", have to be purchased. These operational licences are applied to the fishing vessel, which explains the explosion in second-hand boat prices. This rush for PMEs puts up obstacles for young people wanting to get into the profession.

## *Overview of exchanges*

### **Ownership of production tools**

#### France

The form of pre-nuptial agreement has definitive financial consequences on the protection of family and personal assets.

#### United Kingdom

A fishing licence and access to individual quotas are required in order to operate a fishing boat. Women have the right to be informed of changes in regulations and decisions taken by their husbands if their name appears on the deed of ownership.

#### Finland

Women have rights when the deed of ownership for the boat being operated in a sole proprietorship bears her name. The couple's property is at risk, except in the case of the prenuptial agreement of separate estates. They are protected if theirs is a public limited company.

#### **Highlights:**

There are similarities between the various countries as regards consequences on the protection of the spouse's family and personal property arising from the legal form of the company and the prenuptial agreement adopted. A general harmonisation and modernisation of practices is required at European level. In particular, the banking practice of demanding securities on loans when women are not the boat-owners should be prohibited.

Debates over the ownership of production tools have opened up new ways forward. Women's organisations must learn about the inner workings of quotas, markets and regulation tools. They demand a fishing policy that includes fleet modernisation before 2008, professionalisation for young people and viability for small-scale coastal fishing.



## Women's participation in company management

Over the past decades, the wives of fishermen with their own businesses have taken care of the management of the fishing companies. They are the intermediary between their husbands, who spend more time at sea than on land, and the authorities, the bank and the accountant. They also play the role of information point for the families of the boats' crews.

The various accounts given at this workshop show, that the work of women varies from one country to another. But what they have in common is that their roles are a little known and they lack legal recognition.

### Clarisse Serrao, Portugal

*Clarisse is the partner and manager of a purse seine over 20 metres long. She is the joint owner of this boat, alongside her husband and her brother-in-law.* Each of them holds a 25% stake in the boat. The last person to enter into the company, her sister-in-law holds the remaining 25%, although she does not take part in the management side of things. Clarisse explains: « *Right from the point of purchasing the boat, I wanted to have my share in it in order to be financially independent if it is ever sold* ».

Clarisse received training in fishing company management and, thanks to the joint owners granting her the authority, she takes sole care of managing the family boat and its fittings. She takes care of the accounts, management and administrative needs, etc. Business owner associations do not integrate her in their meetings. According to Clarisse, this is because she fights for what she thinks she deserves and expects to be paid for doing her work. Clarisse is not paid for her management activities. In her capacity as « business owner », the rest of the crew do not think she should receive a salary. She has enough work to keep her on land: « *I have certificates for working at sea. I don't go out though. I get seasick. I feel better on dry land...* »

There are women who pay subscriptions to fishermen's social insurance companies in her region. « *I would like to organise a group of women to join men's associations, but this is easier said than done. Women are more concerned about taking care of their children* ».

### Lena Talvitie, Finland

*Lena is a librarian and a fisherman's wife. She has been chairperson of the professional fishermen's association "Österbottens yrkesfiskarförbund" for the past six years.* In her account, she first of all detailed her own personal history, and then spoke more generally about work done by women in Finland.

Her husband, her son and a neighbour fish in the Baltic Sea. Alongside her regular job, Lena takes care of the accounts and administrative tasks for the boat: she took a training course and consequently « *it is obviously me who has to do this, and it isn't easy. I am an unsalaried employee – a slave!* ».

Women take part in operating boats in Finland. The conditions for getting an individual fishing licence are identical for both men and women.

Men and women are theoretically equal in the eyes of the Law, but in practice it depends on the family and the company. Women who look after the administrative management of fishing companies generally remain "*slaves, undeclared and unsalaried*". In order to change this state of affairs, political and social solutions need to be found.

Women are legally able to fish, just as they have the right to a place in a kindergarten for their children. Why is it, then, that so few women actually do go out fishing? Lena puts forward several reasons:

- The harsh nature of the work,
- Childcare at irregular, changeable hours, resulting in children sometimes being brought on board,
- Irregular income.

Childcare is the main constraint for fishermen's wives. Fishing communities are often located in rural areas, where it is difficult to obtain childcare to enable women to look for work outside the home, or to go out on the fishing boats. To address this problem, kindergarten must be set up in rural areas. As regards other tasks (selling, delivery, processing, maintenance, accounts), There is no tidy, clear-cut sharing of work between men and women. Each person does what they know best.

Lena identifies three categories of fishermen's wives in Finland:

1. The married women who plays no part in the fishing company, and who instead looks after the children, or holds down a job elsewhere.
2. The married woman who plays an active part in the company and in production, yet who does so without a salary. She sometimes earns a limited income from other sources such as farming or catering. She is married to a coastal fisherman and she has a low level of education. She is mainly older and can do anything a man can do. Officially, she is a housewife. "*But she does exist. Nothing would be possible without her. She goes out to sea with no salary and no pension*". She has contributed to the boat's income, but everything goes under her husband's name. These women make up the majority of cases in Finland. It is these women who really need legal recognition.
3. The married woman who works on the boat and who is on the company payroll. She holds the legal status of salaried person. She has the same rights as her husband. She is fully recognised.

## **Sheryll Murray, United Kingdom**

***Sheryl is a local politician and the wife of a fisherman. She puts forward the situation of fishermen's wives in the United Kingdom.***

### ***Company administration:***

A lot of fishermen's wives are directly involved in boat management. In particular, they take care of entering accounts, monitoring service providers and suppliers, paying invoices and bills, and crew wages. They will usually have received training to improve their skills in these areas. They take on administrative tasks, researching information on taxation, etc. Basically, they take on the jobs that men do not or cannot do. This is still a heavy workload, even though technology has made things easier. In payment for this work, women sometimes get paid a small amount, but this is always undeclared income. This profits the companies immensely, saving them both time and money.

### ***Taking part in production:***

A small number of women play a direct role in production, as crew members. For those on board, the physical effort involved may prove an obstacle to career advancement. However, their aptitude for navigating is just as good as that of the men.

Sheryl puts forward a series of proposals to improve conditions for women in fishing:

- The creation of a national organisation for women based in local associations, which would help with exchanging locally available information. This shared database would save on researching time,
- The use of a website to share information,
- Financial help from the European Community for large-scale investments (IT equipment etc),
- Women's use of European Pesca funds in order to launch initiatives
- The creation and/or grouping together of women's associations by country, and recognition of their role at European level, so that they may have representation in the European Parliament, for example.

Sheryl goes on to bring up the concept of "wandering boat" fishing far from shore. For these boats working a long way from their country of origin, financial aid for crew and their families in case of working accidents or illness must be improved and become better structured. In particular, she proposes that the wife's travel and expenses should be paid for when she travels to be reunited with her injured or ill spouse.

## **Ruth Buchan, United Kingdom**

***Ruth married a deep-sea fisherman who operates two boats: the first boat is a seiner and the second using a tow-net and trawling. This family business also has a land-based workshop for supplying and manufacturing gears for the two boats. She begins her presentation with the following sentence: « My whole family depends on the sea for survival ».***

Ruth looks after the accounts of the owners' boats, monitoring suppliers' invoices – supply, rental, fishing and boat gear repairs, insurance – the payment of salaries and social contributions, VAT etc. She is a stakeholder in the boats, and therefore her social insurance is paid by the company. She does not get very involved in life on board ship and has no desire to be trained for going on the boats: « *My husband grew up in the fishing world – he is perfectly well trained and informed enough to do his job well* ».

Ruth lives in a very close-knit fishing community. This has its advantages as regards crew members: before hiring them, she asks around the neighbours in order to give her husband a list of trustworthy and qualified candidates: professional experience, not drug addiction or alcoholism.

Ruth's sister-in-law works in the fishing net supply and manufacture workshop. She also looks after the boats' accounts. She is paid for doing this, but does not hold any stake in the company's share capital. In times gone by, women made and repaired nets. Net repairs are now performed by the crew during the fishing trip. If necessary, the nets are brought on land and repaired by professionals in the workshop.

Her brothers also work in the fishing industry. One has a new shrimp trawler, while the other has a van he uses to sell fish and shellfish. His wife looks after the accounts.

Her daughter's fiancé has a fish wholesale business and sells shellfish, crabs and shrimp for export, mainly to France.

### **Liliane Carriou, France**

**Liliane is a fisherman's wife and is also the chairperson of the *Fédération des Femmes du Milieu Maritime* (Federation of Women from a Maritime Environment).** Liliane speaks about the legal status of salaried women working in fishing companies. She is the wife of a net fisherman. She looks after the boat management and sells shellfish at the market. After six months' training, she and her husband chose for her to have salaried status.

#### ***The advantages:***

Being a wage earner grants access to complete social protection: daily compensation in the case of pregnancy, illness or work-related accident and old-age benefits. It is possible to work on either a full-time or a part-time basis. Benefits are paid out by the unemployment office (ASSEDIC) in case of redundancy, on the sole condition that a work contract firmly binds the woman to the company.

#### ***The conditions:***

A work contract including all legal necessities (contract duration, payment conditions, paid holidays etc) must be signed by both parties, by the couple married, "PACSe"<sup>4</sup> or cohabiting. The unemployment benefit office sets out the condition of payment for its services. The work contract sets out the wife's obligations (number of hours to be worked, etc.), but also details the subordination of the wife employee to the business owner – in this case the husband.

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<sup>4</sup> People who have gone through a PACS ceremony. A PACS is a contract made between two people of age, of either the same gender or different genders for organising a life shared together. It sets rights and obligations for the partners, particularly "mutual and material aid".

There must be a real professional activity involved. But as a salaried worker, the woman may not directly manage the company. For example, she may not sign a cheque in the place of the owner. This 'de facto' management is forbidden by law.

***The salary:***

The salary is variable but must be at least equal to the SMIC<sup>5</sup> - making a total cost to the employer of at least €20,500 per year). Social contributions are high: 22% for the salaried worker and 45% for the employer.

***Taxation:***

The salary is deductible from the operating expenses. If the boat-owners have limited company status, the salary is entirely deductible from the expenses. If the company is registered under a single owner, is a partnership, a family EURL<sup>6</sup> or SARL<sup>7</sup>, this is a partial deduction.

***Legal Liability:***

Should bankruptcy occur, the wife paid a salary by her husband is not liable for her separate estate, unless the prenuptial agreement is one of joint estate. The agreement of separation of marital property does in fact protect the salaried wife, on the condition that this is not brought up as security for loans on the boat, or this protection of estate will be annulled. In the case of divorce or death, everything still depends on the type of prenuptial agreement.

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<sup>5</sup> Salaire Minimum Interprofessionnel de Croissance (*minimum wage*) – around €1100 per month in 2003)

<sup>6</sup> Entreprise Unipersonnelle à Responsabilité Limitée (*Sole Trader with Limited Liability*)

<sup>7</sup> Société Anonyme à Responsabilité Limitée (*Limited Liability Company*)

## *Overview of exchanges*

### **Women's participation in company management**

#### Portugal

The problem for Portuguese women is to find a way of making themselves accepted in men's organisations. The fact that they are female, be they sailors or boat owners, is an obstacle for their inclusion in these masculine organisations. This situation will only change if women rally round and organise themselves.

#### Finland

Women working with no legal status, either in production activities or in company management, must be granted some form of social recognition. It is the mentality of companies as a whole that must change in order for the status issue to be addressed.

#### United Kingdom

Many fishermen do not look after the management of their own company either because they cannot, or because they do not want to. Their wives do this instead, and yet they receive no real compensation for doing so. Women must get organised for this situation to change.

#### France

In France, the issue of subordination to the husband/employer, or even the issue of "de facto" company management (signing cheques) brings the status of women salaried by the fishing company under scrutiny. At the time of marrying, women should take a good look at the possible consequences of their choice of prenuptial agreement regarding the couple's estate.

#### **Highlights**

The reality described is the case for the majority of women working without any real rights and with no remuneration, but whose work is economically and socially useful, and often necessary. The focus is to change people's mentalities on two legitimate demands: women's independence and their inclusion in men's organisations.

# Training

Women take training courses that allow them to perform their responsibilities to a higher standard within their companies. They are trained in company management and in accounting. They now wish to broaden their scope of abilities to other fields, such as IT, the Internet and also foreign languages. In some countries, fishing industry training centres give standardised courses, whereas in others, it is the women who develop specific requests. But financing for these courses is often problematic. Another worry is that training courses taken by women do not lead to any certificate or diploma, and women find it difficult to have them recognised outside the fishing industry. The following presentations allow us to view the range of training courses available throughout the fishing industry.

## **Ruth Buchan, United Kingdom**

*Ruth is a fisherman's wife, qualified in accountancy. At the beginning, her husband worked alongside her father. After he bought his own boat, she took a new accountancy training course.*

As the wife of a fisherman with his own 27 metre long boat, she has had to take care of the company management. Her accountancy training enables her to pay suppliers, salaries and social security payments and to monitor company accounts. She sees no point in onboard training for women: she has no role onboard the fishing vessel, and she does not wish to work at sea. Ruth finishes by noting that the fishing industry put her through some "*very involved training*".

## **Camilla Osterman, Finland**

*In Finland, people take training courses as and when necessary during their careers.* Following basic training in a professional institute, fishermen receive on-the-job training. Courses financed by the European Pesca fund do exist, giving training on health and safety, and processing. These courses are open to both men and women.

There are no courses aimed specifically at women, but there is a distance-learning scheme, allowing people to study from home – an advantage for people living in isolated ports.

Camilla believes that through their actions, women contribute to fishing companies' profitability. For this to happen, Camilla mentions the importance of training in the following fields:

- sale of catches
- full command in accountancy,

- improvements in safety at sea: women should organise training courses
- improvements in overall awareness of the fishing industry, through training in economics, sociology, biology etc.
- attention brought to environmental protection.

The range of training courses should be developed in order to take into account major problems, such as ergonomics on board fishing vessels: *"The husbands are worn out. They get back problems"*. And Camilla considers that there is a great deal of progress to be made in social matters, such as lowering the retirement age from 65 to 55, and the provision of respectable retirement pensions for women.

The future of women in the fishing industry is to be aided by transnational partnerships – and the FEMMES network represents a great opportunity. These partnerships are aided by the fact that Finnish women already speak foreign languages.

### **Janick Mори́ceau, France**

***Janick is a trainer at Cempama – an experimental public training centre in Finistère.***

*"Women have created their own association because they need a release from daily family life, and to talk about their experiences and their worries, to prevent accidents at sea and to strengthen solidarity with women whose husbands have been accident victims".*

It is mainly women's associations that have defined, and continue to define training needs, and often go as far as negotiating their implementation with the relevant organisations. Training requirements have developed alongside women's concerns: the organisation of the fishing industry, the leadership of women's organisations, gaining a public voice, safety at sea, the management of fishing companies, and now the management of fishing and stocks.

The concerns expressed are more and more orientated to the husbands' profession. Women would like to gain awareness in order to understand and better defend their husbands' trade. *"In this way, women take comfort from their identity as 'fishermen's wives'. This is a fulfilling and highly symbolic identity, but this identity only exists as a result of the person they happen to live with" The identity is so far-reaching that it is added to all sorts of other needs, but we should also remember that families' dependence on the income made from fishing does explain this state of affairs"*.

Are the results of existing training courses suitable for these issues? Janick believes that up to a point, the training on offer for women is specialised in its content and implementation. It is hard to have this kind of training recognised outside the fishing industry. Furthermore, this training is sometimes not even available, due to a lack of interest or through a financial shortfall.

### **Raymonde Marrec, France**

***Raymonde is in charge of the AGECO management centre in Concarneau, Finistère.***

In 1996, thanks to the European NOW programme (New Opportunities for Women), Ms. Marrec was able to introduce training in fishing company management and in the formation



of sole trading companies. This was done at the request of fishermen's wives, and was aimed specifically at them.

Raymonde believes that it is possible to implement IT or accountancy training, given adequate financial support. In particular she hopes to be able to benefit from European funding in order to introduce personalised training, for groups of five people, in order to respond to specific requests and projects.

## **Discussion**

### **Sheryll Murray, United Kingdom**

There are some training courses available for women in the United Kingdom (in the Shetlands Islands, in Aberdeen, in Hull and in Cornwall), mainly concerning accountancy. In reality, neither fishermen nor fishing industry representatives are convinced that women should get involved in the profession. We must nevertheless identify women's training requirements.

### **Liliane Carriou, France**

Liliane tells us her story. The training course she took was funded by the Local Fisheries Committee of Guilvinec. the training centre was 100km from her home. She therefore travelled 200km per day for six months, and no diplomas or certificates were issued when the course ended.

Liliane sold shellfish caught by her husband, at local markets. She didn't want to sell fish, due to the overly restrictive health and safety regulations and substantial investment requirements. One day, in order to convince her husband of the importance of her work for the company, she decided to make a list of all her daily tasks – it was a long list!

In 1999, she took part in drawing up a "professions reference guide", a document published by CEASM<sup>8</sup>, listing the tasks performed by women in fishing companies and shellfish farming. Liliane is disappointed that this document has not been used as it should have been by maritime training bodies, by the State and by women themselves.

Her career path has led her to participate in the creation of a women's association ("Femmes entre Terre et Mer" – *Women between the land and the sea*). This association works with subjects such as: safety at sea, health and safety on board ship, seafarers' safety and the legal status of spouses working for their husbands.

Liliane notes that women are enthusiastic about getting trained, yet possibilities remain few. In the current crisis, women would like to do training courses with the aim of finding a salaried job so they may generate additional income for the household.

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<sup>8</sup> Association for the development of maritime business activities

### **Pencha Raposo, Spain**

As regards training, the first thing that must be done is to list women's requirements in order to then satisfy these needs. Pencha believes that politicians should get in touch with what is happening on the ground, so as to finally inject some kind of relevant content into the law. For Pencha, *"when laws do not take into account the reality of the situation, the industry will not obey these laws"*. She gives the example of women's affiliation to the social security services. They are legally obliged to do so, but they have resisted doing this because they cannot really afford it.

### **Gaëlle Maltret, France**

Gaëlle would like to return to the subject which she believes has not been touched upon very much: crew men's wives. She believes that training should be on offer for them, so that they are given the opportunity to get out of the house and find some sort of work. They have to be shown how to extract themselves from the usual network of social workers.

She points out that we compensate for the lack of French crewmen by enlisting Polish and Portuguese ones. In Guilvinec, it is reckoned that we are lacking an estimated eighty crewmen. The ANPE<sup>9</sup> - the body administering all people registered as unemployed in France – has proposed that unemployed people could be put on board as part of their reintegration into working life, and that they could be trained up in a seafaring profession. They get 390 hours of training instead of the official two years. Gaëlle is rather dubious about the quality of this training.

### **Françoise-Edmonde Morin, France**

Crewmen's wives do not want to relocate, and nor do they have the possibility to do so. They know from experience that there is no work for them where they live. They have no wish to train themselves up for nothing. They are no different from everybody undergoing difficulties living on the coast. They are almost living in suspended animation – in a state of waiting, but with nothing coming along to get them out of their situation. Before planning any form of training, they need to take stock of themselves. They need to find out where they are now before thinking about their future. They have to start by meeting other women going through a similar phase of personal development, as there are in Normandy and doubtless elsewhere, before training themselves up in small towns where no work is on offer.

### **Carina Rönn, Finland**

Carina is a trainer for a professional fishermen's organisation. In Finland, adult education is open to everybody working in the fishing industry, irrespective of their gender. Men need significant training in how to promote their catches, particularly since their wives are now employed elsewhere.

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<sup>9</sup> Agence Nationale Pour l'Emploi (*French National Employment Agency*)

However, men do not take much interest in taking training courses, even if they understand that you now need to be more qualified than before in order to have the right to work onboard ship – and Finnish trawlers are lacking qualified manpower. In spite of all this, nobody wants to take training courses.

### **Cristina Moço, Portugal**

In Portugal, training has undergone developments, but remains insufficient. Adult education is provided by public bodies (Forpesca, in Lisbon), which uses trainers with practical experience in the fishing industry. Training is given regarding onboard health and safety and the health standards. Command certificates are issued in Lisbon, and are at a level equivalent to the final year of study in a high school. But young graduates prefer to work in commerce than in fishing.

The profession of fisherman must therefore be given a higher social status, through improving production quality and lowering the number of accidents. The Portuguese fishing industry lacks crewmen: working conditions are too harsh and working hours do not allow for a social life. The profession must also be made more attractive. Christina stresses the fact that Portugal is lagging behind in the application of European directives regarding health and safety onboard fishing vessels. Ongoing training in Portugal would surely improve working conditions in this country.

As regards women, Forpesca offers courses in processing, refrigeration, fishing techniques and company management (IT, accounts).

**NB:** Universal retirement age in Portugal stands at 65 and, since 1986, at 55 for hard, laborious professions, including fishing. The calculation is based on 150 days per year of fishing performed. This calculation does not take into account storms or illness. The law does take into account the years prior to 1970 for retirement.

### **Valbarena Trigo Duran, Spain**

*« We are talking about training in this workshop: I have been a fishing net repairer since I was thirteen years old. I want my activity to be recognised both economically and socially. I earn 5200 pesetas per day – four euros per hour – but not every day. Why would anybody spend 200 hours training to earn that? »* Net repairers are essential: *"A new boat without a net is of no use whatsoever!"* Valbarena concludes: *"This profession must gain recognition at European level ».*

### **Camilla Osterman, Finland**

Camilla believes that women have always been under-estimated in our cultures. A higher sense of self-esteem is required in order that others may hold us in high esteem. She says: *« Men are nothing without us! ».*

## ***Overview of exchanges***

### **Training**

#### **United Kingdom**

Training in management and accountancy theory is useful, but most knowledge comes from training on location, where the *real* learning takes place.

#### **Finland**

Adult education is already in place. Courses in production are available for both genders, but there are not many female fishing professionals. There is a wide range of distance learning initiatives on offer. Women learn from home, which goes some way to overcoming the problem of port towns' isolation.

#### **France**

The first training courses have been introduced on women's own initiative, aimed at taking into account the various problems confronting the fishing industry, so that it can be better defended. There are still some issues as yet unresolved to make training possible, useful and fulfilling. These problems include childcare, the distance to training centres, and the issuing of some kind of certificate upon completing courses.

### **Highlights**

In fisheries there is a general lack of manpower – linked to pay and working conditions – which the industry is failing to address, by not attracting young people or training women, but rather by hiring foreign crews at lower cost.

Women express a desire for training in fields other than accounts and management: in health, safety at sea and onboard working conditions (including ergonomics), the creation of associations, networking, fishing economy, social legislation, on the Common Fisheries Policy, the biology and management of fishing stocks, etc...

Experts in the field must change and accept that land-based activities are separate professions, totally distinct from fishing, and deserve a level of training, official status and their own professional name.

# Women's Legal Status

## **Yvette Déru, France**

*Yvette's presentation is on the subject of the working female partner's status within fishing and shellfish companies.*

Yvette is a training secretary, married to a deep-sea fisherman who owns an under nine metre-long liner. She worked as a shallow-water fisherwoman for seven years. Now, she looks after the boat's administrative affairs and the accounts, after having taken a course to this effect. To make her role within the family company official, Yvette opted for the status of part-time “collaborating spouse”. She puts forward the advantages that having this status represents, but also underlines things that could still be improved.

In 1996, while the fishing law was being prepared<sup>10</sup>, women rallied together and demanded the introduction of a legal status recognising their role within fishing companies. During parliamentary debates on the proposed law, women met with MPs from all political parties, with Ministers and with the relevant authorities and put forward their demands to them. This law, voted for by all parliamentary groups, partially included the demands brought by women's associations.

To have the right to have the “collaborating spouse” status, fishermen's wives must meet two conditions: they must be married, and they must play a genuine part in the company.

### ***The status enables:***

- the right to a personal retirement plan, if contributions are paid in the person's own name,
- financial coverage of replacing women in companies during maternity leave,
- the right to training,
- the right to represent the company before the authorities, and also to participate on the Board of Directors of banks and cooperatives, as well as in professional elections to local committees and producers' organisations, as long as the husband does not come forward and grant delegate powers.

### ***Shortcomings of the status:***

- it can only be obtained upon the husband's request,
- it implies an obligation to be married,
- it does not provide for any compensation rights in the case of illness or accident in the workplace,

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<sup>10</sup> Fisheries Act, law no. 97-1051 of 18<sup>th</sup> November 1997.

- it forces one of the partners to withdraw from sitting in professional meetings. Women would like to be able to replace their husbands when he is at sea, thereby having the husband and wife take it in turns to sit in professional meetings.

***Current situation of French women as regards the status of working partner:***

Since its introduction, few women have taken up the status of “collaborating spouse” , either because they have not understood the benefits that it could bring them, or because their company does not have the financial means to pay. For vessels of under 12 metres, it is financially impossible to pay these new social contributions, even if it is advantageous for wives.

**Carina Rönn, Finland**

***Carina's presentation is on the subject of social coverage for deep-sea fishermen and fishermen's wives in Finnish legislation.***

There is no single definition of a fisherman's wife in Finland. Very few of them go out on the boats and make a living from fishing – and those who do generally fish alongside their husbands on the family boat. However, Finnish women traditionally work ashore, repairing fishing nets, or in marketing and sales, or in processing catches. This was always the way, particularly in regions where there was little work to be found. But nowadays, many women have found employment in other industries.

Depending on the type of work undertaken by the company, different social welfare schemes apply. Carina believes it important to give a general overview of the social welfare schemes in place in Scandinavian countries: a person's social welfare scheme is based on residence, rather than nationality. Anybody residing on Finnish territory has access to a public social insurance system, providing coverage for them in case of illness. There are also Nordic and European agreements in place covering all of their nationals residing in Finland. The Finnish pension system covers everybody in work. There are new supplementary pension funds that can apply depending on the employee's type of work contract or self-employed worker. Anybody who does not have access to these new schemes has the right to a State pension (universal).

Fishermen can use the agricultural pension fund (LFÖPL), while people working in aquaculture or seafood product processing may use the self-employed workers' pension fund.

Fishermen registered as self-employed must subscribe to a personal insurance for their retirement, in order to cover working accidents and unemployment. Fishermen employed on boats (crewmen) benefit from the same social advantages as all salaried employees.

Finnish fishermen are covered by the agricultural pension scheme (LFÖPL). This is a compulsory scheme, covering accident risks (OFLA). A fisherman, along with any family members working in the company, is obliged to subscribe to the agricultural scheme if he is aged between 18 and 64 and has an income of at least 2628 euros per year. Workers who are not obliged to subscribe to this may do so voluntarily. The LFÖPL reimburses fishermen for expenses linked to illness and physiotherapy, incapacity for work, early retirement, partial retirement, unemployment etc. This scheme includes life insurance, enabling family members to receive compensation in case of death.

The LFÖPL also covers people who work in the repair and maintenance of fishing gear, processing (curing, smoking etc.) and in selling catches.

### ***Illness Coverage***

People with this insurance are reimbursed for their medical expenses, and receive daily compensation in the case of incapacity for work, maternity or paternity leave, or childcare. The organisation that pays out these reimbursements is the Finnish Social Security Fund. Insurance covers risks in the workplace, be they directly linked to fishing activities or to any other activity resulting in an inability to carry on fishing. Supplementary insurance can be subscribed to in order to cover risks linked to leisure activities. Medical expenses are reimbursed in their entirety, and the insured party receives daily compensation as of the third consecutive day not spent at work, up to a maximum of one year. In the case of an accident, compensation is paid from the day following the accident and for each working day. If a person's working life is reduced by over 10% and lasts for over a year, an invalidity pension is paid out for the duration of the person's invalidity. In order to receive a full invalidity pension, permanent incapacity in the workplace must be at least 60%. In the case of death, the insurance pays out a pension to the widow and each child under 18<sup>11</sup>, and gives compensation for funeral expenses. Insurance for death is fixed at a maximum of 70% of annual income. For illness, health costs are reimbursed in the framework of a working coverage system (LPA) within the National Health Service, for a limited period of time. Beyond this limit, the LPA funding ends and the Finnish national illness insurance fund takes over.

### ***Pension System***

There are two additional pension schemes in Finland: the National State Pension and the Employment Pension. The legal retirement age is 65. Fishermen are covered by the Law in Agricultural Retirement, which grants them an employment pension. Self-employed people may also receive a State pension, depending on the employment pension they receive for their fisherman's retirement rights. Their employment pension depends on the number of years they make contributions, and the amount of their annuities (linked to declared income).

From the age of 60 onwards, fishermen can take early retirement, and the system permits them to earn a pension. These payments are less than the full pension, and the fisherman will only receive a full pension upon reaching the age of 65. From the age of 56, fishermen who worked part-time can also benefit from a pension on a pro rata basis on the amount of time worked. Fishermen suffering from incapacity to work have the right to take early retirement.

### ***Unemployment Insurance***

There is no unemployment insurance scheme for fishermen in Finland. Being self-employed, fishermen can benefit from the general unemployment insurance scheme applicable for self-employed workers. But this scheme is not specifically adapted for the fishing industry, and the marginal profits are small. Under certain conditions, fishermen can get unemployment benefits after the age of 60. To qualify for this, they must have paid in regular contributions for at least two years on the basis of an annual income of €4800, sold or given up their company and registered as employed.

There is no guaranteed income scheme for fishermen in Finland. Nor is there any compensation available in the case of any fishing bans.

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<sup>11</sup> And in some cases with common law partners and children between 18 and 24 years of age.

### ***Partners' Social Insurance Scheme***

In Finland, the spouses of fishermen/women must take out their own LFÖPL insurance if they take part in fishing or associated activities (e.g. treating the catch, repairing fishing gear, marketing), irrespective of whether they receive a wage, provided their earnings or the estimated value of their work exceeds €2,628 per annum. If the value is lower, they can take out insurance voluntarily. This insurance provides them with benefits in old age and in the event of incapacity for work, unemployment, or death. In the event of illness, it also entitles them to sickness allowance. The amount of benefit or pension payable depends on their working income.

If someone insured under the LFÖPL scheme dies a natural death, the surviving spouse (widow or widower) and any children under 18 can draw a family pension. If the children are over 18, the surviving spouse's own income will affect the amount of pension. The value of this pension is usually less than the pension that would be payable following a fatal accident.

### **Cristina Moço, Portugal**

***Cristina is a social worker with the Portuguese Fishermen's Mutual Insurance company, the "Mutua dos Pescadores". (insurance for self-employed fishing vessels and working accidents).***

Changes in Portuguese fishermen's legal status have stretched across thirty years. Following the Salazar dictatorship, the Portuguese have progressively acquired rights to social welfare, as well as the right to set up associations. Employment law has been introduced into society, and fishermen have benefited from this. Since 1997, crewmen have had the right to draw up an employment contract with their employer. Convention 113 of the International Labour Organisation (ILO) regarding health is applicable to them, whereby X-rays are provided free of charge. As regards accidents in the workplace, fishermen hold insurance designed for their own profession (the Mutua) and they are better protected than workers from other industries. They also have the right to unemployment benefits and redundancy payments. But the crisis in the sea fishing industry has caused a significant reduction in fishermen's income.

A series of disadvantages still affect the profession and discourage young people from entering the industry. There is a lack of social respect for sea fishermen. Laws are not enough to change such mentalities. Working conditions are poor and the hardship is not widely known. Fishermen:

- do not receive fixed salaries,
- do not work regular hours,
- are subject to a difficult pace of work,
- work at night,
- have no other employment possibilities,
- see the quality of their family life suffer,
- have difficulty in getting training.

Cristina notes that: « *Young people do not want that kind of life. They want to live, work, rest and have fun, just like everybody else* »



In Portugal, there is no social or work-related discrimination between male and female employees. However, few women work at executive level, which does cause discrimination. Women who play a role in operating boats have no official status, but they do gain social recognition among other fishermen. These women would like to gain official status and gain the right to enter into talks with unions and with professional authorities. According to Cristina, it would be beneficial if these women could create a representative discussion organisation to express their hopes and expectations. This is a more pressing need in the south and centre of the country than in the north for such an organisation.

### **Joan O'Doherty, Ireland**

The Irish Constitution is relatively young, having been in existence for a mere eighty years. It is still fairly common to note that some British laws govern several aspects of life.

Ireland's entry into the European Community in 1973 accelerated change in the country, particularly regarding social legislation. There is still a long way to go, however, as significant loopholes still exist – particularly in financial institutions. Joan gives us an example from her own personal experience: her bank insisted that her name appeared on loan documents regarding a fishing boat. Yet her name did not appear on the mortgage documents.

Joan considers that fishermen's status has been unclear since the nineteenth century and there is an even greater lack of clarity regarding fishermen's wives. For example, a ruling dating from 1893 established that a fisherman becomes an employer by virtue of making a payment to another party. This principle is no longer valid in this day and age, but fishermen have long been considered to be self-employed workers. Recently, the Social Security authorities once again raised doubts over this status (proceedings of 1986, 1992 and 2001). Judges are once again clear that crewmen and the owner/fisherman are partners in a company with shared risks.

The three key issues that may confirm this decision are as follows:

- Is each trip a separate venture with no (contract-based) right to participate in subsequent trips?
- Is pay not a wage, but a share of the net profits(if any) arising?
- Is pay determined, not solely by the vessels owner, but by a combination of custom and agreement between crew in consultation with the owner?

If the answers to these three questions are in the positive, the crewman is not an employee, but rather an independent partner (ruling of 2002). However, the Irish state goes further with the logic of this partnership beyond the share of produce of the fresh catches because it also implies a share for the crew of the various benefits attached to the status of vessel owner. This is leading fishing boat owners to hire crew on a salaried contract. Social coverage for fishing crews depends on their status, which can be sufficient, minimal, or non-existent. Paradoxically, Russian and Polish sailors have better social coverage than Irish sailors because they have employee status. The situation is therefore extremely muddled.

### ***Women and the issue of status***

As far as the general situation of women in Ireland is concerned, Joan recalls that up to 1972, a woman had to give up her work on marriage, if she worked for a State or semi-State

organisation. Furthermore, up to 1982, a husband could seek financial compensation through the courts if his wife was adulterous, even though adultery was not considered a crime. Finally, divorce was not legalised until 1997. So how does the situation stand for fishermen's wives? Self-employed workers working as sole traders, be they doctors or fishermen, do not have the right to employ their wives. All subordination between spouses is prohibited, unless the husband is a minor partner in the investment capital. A woman working full-time for her husband has no benefits in her own right, and therefore receives neither a pension nor unemployment benefit.. Nor does she have the right to pay contributions of her own. Things are not so bad for Joan, however.

Indeed, new legislation was introduced in 2000 offering social coverage for the person who stays at home as long as her/his children are at least 12 years old. Furthermore, any parent who leaves her job to raise a child, up to said child's twelfth birthday, benefits from this law guaranteeing them social rights. Therefore, fishermen's wives who wish to play a part in the fishing company, will, in the future, benefit from this new law.

In Ireland, the situation for fishermen's wives working within a company is complicated, and it is difficult to talk about the legal status of fishermen's wives when the legal status of the fishermen themselves is so confusing and ill defined.

### **Anna Maria Garcia Cruz, Spain**

***Anna is a lawyer working in the government of the autonomous Spanish region of the Canary Islands.***

Women's access into education has allowed them to gain a new place on the job market and in society in general. Professional equality between men and women is difficult to attain as this would involve significant legal changes and, more crucially, higher social acceptance. Women work more part-time jobs than men do and have fixed-term contracts. As far as salaries are concerned, a woman's average salary is less than that of a man, irrespective of professional qualifications. This shows that women are discriminated against as regards pay.

### ***Women in the fishing industry***

If we base our findings on European statistics, Spain has the most important number of women working in the fishing industry. In most cases, this is unpaid work. Women take part in the following jobs: the marketing of fishing products, the unloading of fish, the sale of fresh fish, and the upkeep of fishing gear. And we must not forget the women who collect and cultivate shellfish and also women who work in canneries.

It is now well known that women play a part in the smooth operation of fishing companies. They take care of management, contact with banks and port authorities and other officialdom connected with the industry. At the same time, they hold down positions outside the fishing business in order to safeguard family income. Yet the work of women within fishing companies is considered as an extension of their domestic duties.

### ***The impact of European law on the various national legislations as regards equal opportunities***

Spain, just as in all the other European Member States, is obliged to integrate European directives into national law. A whole series of directives were made regarding equal opportunities for men and women: directive 75/117/EEC regarding equal pay for men and

women; directive 76/206/EEC as regards equal access to employment, vocational training and promotion, and working conditions; directive 79/7/EEC regarding the implementation of the principle of equal treatment for men and women in matters of social security. Directive 86/613 of the Council is particularly pertinent, as it focuses on *the application of the principle of equal treatment for men and women working in a self-employed capacity, including agricultural workers*.

First and foremost, this directive is aimed at equal treatment for both men and women who work in a self-employed capacity, and secondly, it is about recognition for work carried out by a spouse. The directive specifies what it means by “self-employed worker” in article 2. A self-employed worker is somebody who carries out a paid job on a self-employed basis, and includes farmers and other professions. The directive also takes into account “*their spouses, not being employees or partners, where they habitually, under the conditions laid down by national law, participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks*” (art. 2). Through its directive, the Council requests Member States to take into consideration the role played by the spouse and furthermore, to study the conditions necessary for her legal recognition. Initiatives for this aspect are also requested (art. 7).

The same directive requests Member States to take the necessary steps to encourage the replacement of independent workers in the case of pregnancy or maternity leave (art. 8). Women in the fishing industry are examples of the spouses mentioned in the directive.

### ***Spain and its autonomous regions***

As well as the autonomous regions themselves, the Spanish government has implemented the legal provision necessary for bringing about equal treatment for men and women. The largest institutions to be created are the Institute for Women, and the Ministry for Employment and Social Affairs. The latter institution administers the Special Maritime Scheme linked to Social Security. Women with jobs linked to the fishing industry subscribe to this scheme, whether they are employees or independent workers.

Before speaking about autonomous regions’ experiences of the role of women in the fishing industry, Ana-Maria speaks about crew men’s wives. In August 2002, several associations for crew men’s wives from the various autonomous regions of Spain launched a campaign aimed at improving working and living conditions for people working out at sea. They wanted to put forward a motion before the Chamber of Deputies aimed at harmonising working crew men’s activities. This initiative has to attract around 500,000 signatures in order to pass through Congress and then follow institutional procedures before taking legal effect.

***Andalucia:*** Fishing represents the biggest source of employment in many coastal areas, and its importance within society increases in regions with high unemployment, where there are few alternative employment possibilities. Quite distinct from other regions, in Andalucia, women do not play a large role in fishing: women are restricted to *marisqueo* and to the processing industry. During a course in the fishing industry in 2002 in the Carbonara Almeria area, 71 participants out of 82 were women. Training consisted of computer classes, fishing company management, etc. This course was aimed at maritime professionals, working or unemployed, their families and most especially at women and young people who encountered the most problems in looking for a job.

***Galicia:*** The main initiative here concerns female *mariscadoras*. Their job was formerly considered to be an ancillary, marginal activity, and is now recognised as a profession in its

own right. The *mariscadoras* are covered by the Special Maritime Scheme, a pension, unemployment benefits and other social rights.

**Valencia:** A pilot project entitled "DONADEMAR" has been introduced in order to improve the lives of fishermen's families. It aims to give women the necessary capacity to provide an additional family income.

But another example coming from this autonomous region shows that in practice, the provision of equal treatment does not always meet the standards laid down in official regulations. In the township of El Palmar, the fishermen's organisation consists solely of men, even though the organisation's by-laws do not prohibit the election of women. Since 1997, five women tried and failed to gain membership of this organisation. The Supreme Court had to hear the case. It recognised the women's right to be admitted into the organisation and to carry out fishing activities. In spite of the Court's decision, the five women are still not members of the fishermen's organisation and continue to spearhead their initiative.

**Canary Islands:** Women have a limited participation in the fishing industry. On some of the islands in the archipelago, women make up the bulk of the workforce in the preserving industries. Furthermore, women's participation is limited to selling fresh fish. They supplement the family income through alternative activities such as hospitality and catering.

The Spanish legislative framework permits the development of policies of equality and integration for women. In reality, society takes little notice of this provision and its incentives – socio-economic reasons and social considerations play a greater role. In order to develop, policies must be introduced aimed at :

- promoting the participation of women in production activities,
- encouraging an entrepreneurial spirit in women,
- improving working conditions, which implies an improvement in social cover,
- funding training projects in order to improve skills,
- recognising their importance as working spouses.

### **Sheryll Murray, UK**

British fishermen pay very high social security contributions because they want to have unemployment benefit during the times when they are unable to go out to sea (storms etc). But the conditions for being eligible for unemployment benefits changed recently: *"fishermen may not practice any activity connected with fishing or the boat for a whole week in order to become eligible for benefits"*. The weekly social security contribution is also taken care of by the unemployment benefits agency.

Women are not recognised as legal assigns for the company, either as employees or as spouses. They receive a share of the profits proportional to the number of shares the boat has (ownership of a fishing vessel is divided into 64 shares and women can own one or more shares).

A lot of women have to share and bear their husbands' stress and worry facing difficulties in the fishing industry. This situation is getting more and more demanding for them and they could use any support they can get.

In the United Kingdom, social assistance for the families of seafarers who need it is provided by "The Royal National Mission to Sea Fishermen" – an organisation staffed by voluntary workers. They tell families about the courses of action they can take in order to receive financial help.

As regards sickness coverage, fishermen are considered as "commercial sailors" and may benefit from non-emergency help from the "Sailors' Healthcare Unit" at St. Thomas' Hospital in London. This unit offers them the possibility of getting operated on more quickly than in another hospital (knee operations, for example), thereby recovering the ability to work. The Mission makes rooms available near the hospital for the families of hospitalised seafarers, so that they may stay close to their loved ones.

## **Miscellaneous Presentations**

### **France**

Christine Blanchard would like to give a comparison of social charges and income. The status issue implies expenses for fishing companies, and for her the main question is: Are there any fishing stocks left in the sea?

For Yvette Déru, priority must be given to the small boats owned by traditional fishermen if we are going to give the protection of fishing stocks any chance of success.

Katia Frangoudes notes that no fishermen were in the slightest concerned about the management of fishing stocks four years ago. This is changing.

Janick Moriceau puts forward four themes to think about:

1. What percentages of catches end up as food for human consumption? The European Community is planning on developing aquaculture, but what are the costs and the benefits of this activity as regards the fishing industry?
2. What level of income do sea-based and land-based companies get for the same amount of fixed capital?
3. Expand the idea of « management for the common good »
4. Management of the coastal area: examine the impact of environmental deterioration.

## ***Overview of exchanges***

### **Women's Legal Status**

#### France

Since 1997, there has been a legal status for spouses taking part in company management, be it in the fishing industry or in aquaculture. This status was obtained through pressure put on by women's organisations. It does not offer full social protection, but it does set down social and legal recognition for the work women do. However, few women have requested this status up to now. This is doubtless due to the high cost it represents for small businesses, and also because of their husband's reservations.

#### Finland

Where the labour market allows it, fishermen's wives prefer to carry out salaried work outside the fishing industry, thereby benefiting from the social insurance awarded by this activity. For women working in the fishing industry, those working onboard fishing vessels have the same rights as the men. However, women working onshore do not have their own social insurance: they are merely their husbands' assigns. They do have access to the minimum State pension though, just as all residents in this country do.

#### Portugal

Fishermen have recently acquired more social benefits in Portugal. Their income, however, is in decline, they have poor working conditions and the hardship involved in their profession is not appreciated. They have very low pensions. There is no discrimination between men and women working onboard vessels. Onshore, however, women work with no legal status even though their work does have social recognition – and yet there is no women's organisation to enable women to represent their own claims.

#### Ireland

Fishermen paid individually are generally considered to be self-employed, but the question of status remains unclear. Depending on their status, social welfare for fishermen can be sufficiently high, minimal or non-existent. As far as women are concerned, the law forbids the employment of spouses – so women playing a role in their husband's business have no pension or unemployment benefits, in their own right. Nor can they take out any voluntary insurance. In fact, improvement in the status of women in fisheries will come about first of all through an improvement in fishermen's status.

#### **Highlights**

The wide variation in these situations calls for a deeper examination of the subject. Several conclusions can be drawn:

1. there is no discrimination made against sea fisherwomen, but they are in a tiny minority,
2. there are a lot of women in Europe working without any legal status in the fishing industry and marine farming,
3. across the whole continent, men's attitudes are holding back rapid developments in the status of women,
4. fishermen also suffer from a lack of concern by society as a whole. Many of them are not eligible for unemployment benefits and have very small pensions. It is sometimes difficult for women to demand some kind of status when men do not have this either.

## **Debate about fishermen lost at sea**

The Finnish representatives held a debate about fishermen lost at sea. In Finland, getting a death certificate issued is a complicated process carried out over many years. A national initiative against this is underway, but as yet has attracted little support. The Finnish representatives would like to know how the legislations stand on this issue in other countries and they put forward a joint European initiative to make it easier for families faced with such tragedy. Their proposals have won the support of the group, which has decided to bolster this initiative at European level.

**Carina Rönn, Finland**

### **People lost at sea and the declaration of their death**

Declaration of death means that a person who has been missing for a long time may be declared dead by a court, even though it is impossible to ascertain the medical cause of death. The court ruling issued with the declaration of death must also specify the date and time at which the person is believed to have died. Following declaration of death, the person loses the legal rights to his/her property, an inventory of the estate can be made, and legal matters concerning the family and inheritance resolved.

In normal cases, a missing person is declared dead after ten years. Earlier declaration of death is possible if there were life-threatening circumstances surrounding the person's disappearance. In Finland such persons are declared dead after three years.

A working group has now issued proposals to accelerate the process of declaring a person dead in Finland. Fisherwomen welcome this move, which is something for which we have been campaigning. We now have to make sure the proposals are translated into reality. Under the working group's proposals, a missing person should be declared dead after five years, the three-year waiting period is to be reduced to one year, and it should be possible to declare a person dead without delay if that person was involved in an accident which entailed direct risk to life, such as a shipwreck.

When a person goes missing, the surviving relatives have to deal with a variety of financial and practical issues, such as pension rights, life and boat insurance, banking affairs and loans, and the possible sale of joint property. There may also be problems in obtaining passports for under-age children and in other similar matters where the signatures of both spouses are required.

Existing legislation on pensions and accidents permits the payment of benefits to the family members of a person who has not been declared dead but in all probability can be assumed dead. These benefits are granted for a set time, usually until formal declaration of death is possible. Entitlement to a family pension is effective from the day after the person dies or

goes missing, but the first payment is not made until at least three months after the probable date of disappearance. Likewise, the group life-insurance policy (part of the statutory insurance scheme) will pay out after three months. However, insurance payouts are always contingent upon a police investigation. Compensation under the group life-insurance policy is in the form of a one-off payment. The younger the deceased the greater the amount.

If a person has been lost at sea, it is likely that the vessel too has been lost. If the vessel can be located and confirmed wrecked, the insurance policy will pay compensation. If the vessel is not located, an insurance claim is still possible but more complicated, and there is likely to be a substantial delay before the claim is paid. In such cases, insurance companies are required to base their decision on police investigations and verification of the course of events.

Under Finnish law, one spouse may not, without the consent of his/her partner, transfer or convey any joint property that is classified as a permanent residence or essential work equipment. The courts may, however, grant an application for transfer on the grounds of the other spouse's absence, for instance. The law on legal guardianship in Finland was amended with effect from 1 December 1999 and the powers transferred to magistrates. Magistrates can now appoint a trustee to look after a specific matter such as the sale of property.

It is also possible to obtain passports for minors, but with a limited period of validity. This option may be used if the other guardian is unable to give his/her consent for reasons of illness, absence or similar.

However, a marriage remains valid until the spouse is declared dead, and the inventory of the estate will not have effect until the date of the formal declaration of death.

### **Camilla Osterman, Finland**

« What are people to do for these ten years? Government benefits aren't enough to solve the problem. After the loss of a husband, women lose their morale. The bank doesn't wait, bills still land on the doormat. Children's education carries on, and it's quite expensive ». *In Finland, women have two demands:*

- the creation of a guarantee fund to be on offer up until the insurance premiums are all paid up,
- transparency, in the authorities' dealings with the family regarding the progress of their inquiries.

### **Cristina Moço, Portugal**

Just as in Finland, Portuguese sailors lost at sea are not legally considered as having died until ten years after they disappeared. Crews are obliged to subscribe to a death insurance policy. This is taken directly from their salaries. Fishermen are covered by the Fishermen's Mutual Insurance Company, which groups together 95 to 98 percent of workers in the artisanal fishing industry.



### **Joan O'Doherty, Ireland**

The time taken from the sailor being lost at sea to the death certificate being issued is seven years. This period can be reduced at the discretion of the coroner. As long as death is not declared, the widow of an Irish seafarer whose body is lost at sea is ineligible for any compensation, and nor does she have any social cover.

### **Sheryll Murray, United Kingdom**

In the United Kingdom, when somebody is lost at sea and the body is never found, death is not declared. A death certificate is only issued ten years after the person's disappearance, but it is possible to appeal to the courts in order to have this period shortened.

*« As long as death isn't declared, women have no rights to the insurance premium, which causes great hardship for families. If a life insurance policy had been taken out, the insurer needs a death certificate, which is only issued if the body is found. This does not help the situation. Furthermore, insurance for people is not obligatory: more often than not, it is the boat and the machinery that we insure... »*

In the case of death, the "Royal National Mission to Sea Fishermen" takes care of:

- receiving family members in the seafarer's home,
- informing families of the death,
- letting families know about their legal rights.

Up against this situation, Sheryll recommends subscribing to a personal insurance policy – not obligatory, but nonetheless essential – and having a disappearance clause inserted.

As regards safety at sea, an initiative carried out by the parents of a young crewman lost at sea deserves mention. They are spearheading an awareness campaign to make people wear lifejackets. This initiative is being funded by using the money from the insurance policy.

### **Dolorès Bermudez Rodriguez, Spain**

Somebody lost at sea is only considered deceased ten years after being reported missing. In Spain, however, the period before being issued with a death certificate was reduced to four years, and then this was recently reduced to two years. The request for a declaration can be made to the legal authorities in a similar procedure to that taken following a fatal work accident. Aid is given to the widow up to the date of the legal payment for a widow's pension.

Another right has been in place since 1997. This is the obligation for the boat owner to be insured for the personal risks of his crew. In the case of death, the deceased's family is awarded a €20,000 insurance premium, plus the social benefits and monthly assistance for those in education. On the other hand, the widow loses these rights if she remarries.

**Liliane Carriou, France**

If somebody dies at sea and they are covered by life insurance, the premium is paid out after one year has passed. A social worker helps the family through the necessary procedures. Financial support is available in case of emergency. A pension is paid out to the widows.

The crew is not always insured, but the boats are. If a boat is lost, capital is paid out to its owner, up to the experts' estimated value. Legal action can be brought against the owner/manager by the crew's families, for malpractice. This risk is on the increase, but is not yet covered by insurance.

**Françoise-Edmonde Morin, France**

In depths where Second World War mines can still be found, sailors can be victims of collisions and explosions. In the case of death and/or disappearance, the possibility exists for the children to put into care, which releases certain social rights (particularly study grants).

During the inquiry into the causes of the disappearance, the family or its representative should be closely consulted. The reasons for the decision of the authorities whether or not to raise the boat should be better explained. Any uncertainty over whether or not there is a corpse on board is very painful for the families.

**Raymonde Marrec, France**

When boat owners are given loans, a contribution for Death and Invalidity Insurance is taken from their bank accounts at the same time as the monthly loan instalments. In the case of accident or death, the insurance system is triggered. The authorities go through the due legal processes and compensation is granted.

### ***Summary of demands***

#### **Disappearances at sea**

- Reduction in the legal period for the definitive issuing of the death certificate,
- Request for a European harmonisation of the national legislations regarding people lost at sea, to be based on the most favourable national legislation (shortest period of time),
- Creation of an emergency fund to help families until the insurance premiums are paid out,
- Emergency aid for families,
- Educational grants for orphans,
- Transparency of information given to families regarding ongoing inquiry procedures,
- Psychological support for families (receiving them, information, talking groups, etc.),
- Obligatory death insurance to insure the crew against personal risks

## Final debate between the participants

*Katia Frangoudes launches a final round of talks around the table, starting with the representative from the EU Fisheries Directorate General.*

### **Maurizio Bentivegna, Fisheries Directorate General, Brussels**

We have taken note that the use of the PESCA funding by Member States is not as effective as it could be. The Fisheries Directorate General will shortly be launching two calls for proposals. The first one relates to safety at sea and the diversification of business activities, and the second one relates to "women". These projects will be co-financed by the European Commission at an exceptionally high rate (85%). We will be looking to local governments to provide the remaining 15% of the funding.

### **Portugal**

Cristina Moço would like us to examine the organisation of women's structures according to their economic distribution:

- those working in production alongside men,
- those married to fishermen.

She offers to lead a series of debates on:

- women who do not play a role in company administration,
- the different kinds of social welfare in the European maritime world,
- safety at sea,
- social and family life as we would like them to be.

### **Spain**

Pencha Raposo finds the Brest workshop to be very positive. Her request is for greater harmonisation of European policies.

## **Finland**

Camilla Osterman found it interesting to compare the different situations and legislative contexts of the various countries participating in the workshop. She would like the demands made about people lost at sea to be taken on by the whole group.

## **United Kingdom**

Ruth Buchan thought that the workshop was very interesting. She proposes that we put fisheries management on the agenda: it is crucial that civil servants understand professionals working in the industry.

## **Katia Frangoudes**

Women have a long-term vision – something that fishermen may not have, as they concentrate on their work out at sea. The whole fishing sector can grow with the improvement of the status of women. A new development is that women are publicly speaking out in order to come out of the dark and be seen. They put forward evidence of legal and social problems, such as the issue of how much time it takes for the authorities to recognise that a fisherman is lost at sea. Women of the maritime world are considering the condition they are in while thinking how to keep up a business that is part of their lives.

## **Meetings in Guilvinec**

The Brest Workshop participants visited the port of Guilvinec -a symbol of artisanal fisheries in France. During a tour of a processing plant owned by Scarlett Le Corre, fisherwoman, participants saw a real example of successful diversification that keeps the fishing and redeployment business profitable through the seaweed and fish processing. The second tour allowed participants to meet the secretary of the Guilvinec local sea fishing committee, René-Pierre Chever.

## **Tour of the processing workshop of Scarlett Le Corre**

Scarlette is an inshore fisherwoman since 1983. She fishes alone onboard her boat called "*Mon Copain J.P.*" (My Friend J.P). She fishes for shellfish and fish, and she farms seaweed on the open sea. Since 1992, she has processed traditional tinned fish and seafood products using seaweed.

In order to do something when confronted by the fishing crisis and to maintain her level of income, Scarlett had the idea of growing *wakame* edible seaweed – on the open sea. She went to Japan to find out how to grow this seaweed. The trip was organised by the Guilvinec Local Fishing Committee. She was lucky enough to obtain a plot of sea in an area where the water is of excellent quality. She accomplished this new business as a partial reconversion. She remains a fisherwoman, as is her wish. Her husband fishes onboard the "*Kerflous*", and provides fish for her processing workshop.

Unprocessed edible seaweed is not widely known by the public at large. Scarlett promotes both her own fishing products and the *wakame* seaweed. She started with Monkfish liver and *wakame*, which she still produces today. Her other speciality is the fish soup with seaweed. This allows her to market fish that she otherwise would not sell. Indeed, Scarlett sells her fish on the markets from April to September: sole, red mullets, sea bass, ballan wrasse, pout, pollack, lobsters and crabs. Other products are also offered: crab bisque, potted mackerel, mackerel fillets, seaweed mustard etc...

### **Tour of the Guilvinec Local Committee of Fisheries**

René-Pierre Chever, secretary of the local deep-sea fishing and marine farming committee of Guilvinec has charted the history of legal progress obtained in French campaigns for women's rights. He believes that women have a rightful place, and a role to play within the industry. They must take part in professional meetings. We need to look into the procedures to see how we can make their integration easier.

# **Presentations**

## **Las mujeres de Cambados en el desastre del Prestige**

**Par Isabel Perez Fernadez**

El incidente del buque “Prestige” ha marcado un punto de inflexión en la actividad pesquera, marisquera y acuícola, así como de todas las industrias y sectores relacionados con ella, que en nuestra costa son muchas y muy diversas. Tal ha sido el impacto, que seguramente con el tiempo se hablará de “antes del Prestige” y “después del Prestige”, cuando se quiera hacer referencia a alguna actividad relacionada con el mar. El sector se ha visto en jaque y por ello con seguridad, lo que se describe para Cambados, se habrá repetido en todos los rincones de la costa gallega, con sus lógicas particularidades.

Esta Villa es muy dependiente de las actividades marinas y a pesar de no haber sufrido directamente, la entrada del tristemente famoso chapapote, ha colaborado con intensidad en su extracción del mar, dado que cuenta con una flota de más de 380 embarcaciones de porte muy diverso, esto es, desde grandes embarcaciones de cerco, hasta pequeñas planeadoras para el marisqueo.

Son muchas las familias, que dependen casi en exclusiva de las actividades marinas, por lo que la movilización fue prácticamente automática, a todos los niveles: individual, colectivo, empresarial e institucional.

Esta villa cuenta con una agrupación compuesta por 263 mariscadoras a pie, que realizan su trabajo en las autorizaciones dependientes de la Cofradía. Se constituyeron en agrupación en 1.999 y desde entonces, han ido dando pasos muy firmes para mejorar su medio de vida: el marisqueo. Su actividad es de gran importancia económica y social en Cambados y cada vez lo es más.

Este peso específico, se ha manifestado explícitamente sobre todo durante el periodo más agudo de la crisis del Prestige. De hecho su colaboración ha sido decisiva a partir de la semana del 4 de diciembre, por la intensidad y variedad de las acciones realizadas.

Mujeres cambadesas han elaborado más de 1500 metros de barreras artesanales, en poco más de dos días de trabajo, ayudadas por el colectivo de rederas profesionales, que las han enseñado a manejar la aguja. Las han atado con sus propias manos, con la esperanza y el convencimiento de que debían proteger, el patrimonio natural y cultural de esta Villa, que como tantas, no se entiende sin el mar a sus pies. Pero para la confección de estas defensas, no sólo es necesario tener ganas de trabajar, sino que también hace falta materiales: redes, estachas, flotadores, agujas de atar, cabo..... Ellas fueron las encargadas de conseguirlo y lo hicieron en un tiempo record, gracias a su capacidad de organización y de trabajo.

En función de las noticias que llegaban, de los marineros que luchaban contra el chapapote, parecía que el factor más importante y del que menos se disponía era el tiempo, por ello, se coordinaron en grupos, para hacer labores muy diversas y todas ellas necesarias.



Los marineros que luchaban directamente contra la marea negra, sacando el crudo con sus propias manos, llegaban rotos, exhaustos, con los ojos enrojecidos, la garganta seca y nauseas; tal es el efecto del crudo, sobre los que están largo tiempo expuestos a él. Embadurnados de pies a cabeza, sólo pensaban en descargar y volver a por más chapapote; su forma de vida estaba y seguramente aún está, en peligro.

Fueron “manos limpias” de mujeres cambadesas, las que se dedicaron a quitar de sus caras el pringoso petróleo, ayudarles a sacar las ropas más negras y pegajosas que se hayan visto; las que proporcionaron una bebida fresca, un café caliente, o una ración de comida para recuperar las fuerzas.

Han organizado y ordenado las existencias de ropas de agua, guantes, botas, mascarillas, gafas de protección.... De modo que se pudiera surtir con eficacia a quien lo necesitase, así como conocer, que materiales iban escaseando y de cuales había superávit.

Tal y como se ha visto en estos meses, la solidaridad es un sentimiento que hace nacer más solidaridad; por ello las mariscadoras han abierto listas y se han contratado autobuses, para ir a distintas zonas de la costa como voluntarias, para ayudar a limpiar las playas de otras zonas más damnificadas.

A todo este trabajo, hay que unir el día a día. Son mujeres trabajadoras, autónomas del mar, que deben seguir manteniendo sus playas en óptimas condiciones de productividad, se extraiga o no marisco, que, deben pagar su Seguridad Social, que deben hacer inversiones en semilla, que tienen personal contratado, que deben mantener a su familia.

Durante el tiempo en el que la actividad pesquera y marisquera estuvo prohibida, se han organizado para crear grupos de vigilancia, que complementen a la seguridad privada que tiene contratada la Cofradía; la finalidad es controlar las playas. Los grupos se han conformado en función de la proximidad geográfica y afinidad personal, de modo que este trabajo, se haga lo más grato posible, ya que éste no entiende de festivales, ni de climatología adversa. Su finalidad es conocer si entra crudo en algún banco natural de Cambados, para proceder a su inmediata retirada y también asegurarse, que no sale marisco alguno de ellos, sin el debido control.

Pero esto no lo es todo, las industrias primarias y esta lo es, bien se sabe que dependen mucho de la climatología y se debe estar muy atento, pues de ello dependen las cosechas de la próxima temporada. El cuidado de la semilla, su correcta siembra, la elección, preparación y mantenimiento del terreno, en definitiva el trabajo continuo y coordinado, que unido a la experiencia y los criterios técnicos, hace de las mariscadoras de Cambados un colectivo por el que apostar.

Lo que ocurre aquí, se está produciendo a diario a lo largo de toda la costa gallega; con diferente intensidad, con diferente ritmo, con diferente paisaje, con diferente nombre..... Pero para todos nosotros el mismo mar, en el que se gana la vida y a veces también se pierde.

En todo caso es nuestra forma de vida y no podríamos entenderla sin él, por ello las mujeres del mar de Galicia, se han movilizado para representar un papel clave durante la crisis generada por el buque Prestige, que es reflejo no sólo de su profesionalidad y capacidad de organización, sino también de una importancia social, cada vez más reconocida.

## La mujer mariscadora y el proceso de cambio

**par Pencha Raposo**

**Xefa de Servicio de Fomento da Organización Sectorial - Consellería de Pesca e Asuntos Marítimos**

El sector del marisqueo donde el 95% son mujeres era uno de esos casos donde de las diferencias de género se derivaba una clara desigualdad, una clara disminución de las mujeres dentro de las cofradías.

Un exponente de esa situación eran unas cuantas frases expresadas por las propias mariscadoras:

“No nos dejan ser socias de las cofradías”.

“Mientras yo sea Patrón Mayor no consiento que una mujer se siente en el cabildo”.

“Nos consideran socias de 2ª categoría”.

“Vamos a la cofradía con miedo”

“No asistimos a las reuniones donde se toman decisiones que nos afectan, como son los días de abrir o cerrar las playas”.

“No tenemos representación en el cabildo”.

“En el reparto del aguinaldo no entran las mujeres”

etc., etc., etc.

La Consellería de Pesca y Asuntos Marítimos después de conocer esta problemática y siendo consciente de que muchas de estas situaciones se producen, sobre todo, por un problema de desinformación de las propias mariscadoras, puso en marcha un programa de formación.

Aprovechando los Fondos de la Comunidad Económica Europea, el programa NOW (nuevas oportunidades para las mujeres) encajaba perfectamente en el objetivo de llevar a cabo un plan de formación e información inaplazable que las mismas mariscadoras estaban demandando “no sabemos que hacer”, ni a quien recurrir, ni a donde ir” ya que en la confradia no nos hacen caso.

Este proceso empezó en noviembre del año 95, en el primer “Encontro de Mujeres Mariscadoras” celebrado en Vilagarcía. En este Encontro estaban representadas 32 cofradías, dos por cofradía, hacían un total de 64 mujeres; que representaban a las 12.000 mariscadoras que existían en aquel momento. Mujeres que por primera vez tienen la oportunidad de ser escuchadas, de ser ellas las protagonistas. Y lo que es más importante, de conocerse entre ellas, y darse cuenta que la problemática era muy parecida y que podían aprender unas de las

otras, puesto que algunas ya había comenzado el camino, otras estaban queriendo dar los primeros pasos, y la mayoría estaban resignadas a que las cosas eran así y no se podían cambiar.

A continuación se incluye relatorio de su problemática, así como una propuesta de conclusiones elaborada por ellas mismas en este primer encuentro.

#### Problemática del sector de marisqueo a pie

- Furtivismo tanto a pie como a flote.
- Problemas de comercialización: están a merced de los compradores, ya que son ellos los que marcan el precio de los productos. Desconocimiento del mercado.
- Problemas organizativos: Tanto para encontrar recambio en la directiva como para participar en los trabajos que hay que realizar en la playa.
- Falta de asistencia técnica para poder planificar la producción de acuerdo con el estado de las poblaciones de marisco.
- Cómo vamos a cotizar a la Seguridad Social si lo que ganamos no nos da ni para pagar el seguro.
- Para profesionalizar el sector tendríamos que conseguir un salario digno, mientras tanto, no es posible.
- Financiación para compra de semilla y material para mantenerla.
- Regeneración de zonas improductivas.
- Falta de capacidad económica para hacer inversiones tanto para aumentar la producción como para pagar vigilancia.
- Falta de semilla de almeja, no hay donde comprarla.
- Concesiones para poder trabajar.
- Pocos carnets.
- Falta de lonja.
- Hay empresas que echan los vertidos a las rías sin que las autoridades intervengan.
- Que se contemple la problemática de cada ría por separado porque es distinta.
- Hay cofradías que no admiten en el cabildo a las mariscadoras.
- En algunas cofradías las vedas se ponen en función de los hombres de a flote y no del propio marisco.
- El libre marisqueo es una fuente de conflictos.
- Costas va a cobrar 1 pts. m<sup>2</sup>/año, si empiezan de inmediato ¿Qué va a pasar con este sector?.
- Cada persona cada vez que acuda al mar coge los kilos que quiere o que puede, no existe un tope, y se está acabando con la ría.
- En las propias lonjas se vende marisco que no alcanza las tallas mínimas.
- La mitad de los mariscadores está trabajando con pases de las cofradías.

- Falla de concienciación.
- Las delimitaciones de las cofradías están mal hechas.
- En las catastróficas mientras se recuperan las playas no se puede exigir que coticemos a la Seguridad Social con solo 10 días al año de marisqueo e con el poco marisco que haya ahora.
- No hay donde comprar semilla
- Falta de vigilancia, cuando aún no existe organización y no hai dinero para pagar.
- Es un problema que no se puede vender fuera del punto más próximo (lonja más próxima).
- Que puedan las mariscadoras vender donde quieran.
- Hay que pagar a alguien que le dedique tiempo a la organización (papeleo, desconcentración).
- División dentro de las propias organizaciones.
- Falta de cooperación entre organizaciones.
- Hay una cofradía donde las mariscadoras no tienen derecho a voto.
- Excesivo número de mariscadoras a pie en activo.
- No alcanzan ingresos equivalentes al salario mínimo interprofesional.
- Ausencia de jubilación para el marisqueo a pie.

### **Propuesta de conclusiones**

1º. Existen problemas de integración de varias agrupaciones en las cofradías, no se les deja participar en los órganos de gobierno, en algunos casos no se reconoce a la propia agrupación.

2º. Existen problemas de funcionamiento interno: carencia de reglamento interno, mala integración de los reglamentos en los estatutos de las cofradías, problemas de organización.

3º Necesidad de estudios globales por zonas, control de vertidos, falta de diseño en el uso del litoral, necesidad de una política global coherente.

4º Necesidad de formación, tanto desde el punto de vista legislativo, organizativo y técnico, estudiar la posibilidad de concesión de bolsas de estudio para los miembros de las agrupaciones y de las cofradías.

5º Problemas de capitalización. Acceso a créditos blandos y mecanismos de financiación. Problemas de comercialización.

6º Preocupación por el pago de las cuotas de la Seguridad Social en el mar, como requisito necesario para la profesionalización.

Con el fin de dar la formación lo más adaptada a sus necesidades se empezó por hacer una encuesta entre las propias mariscadoras.

- Las características de este sector en ese momento eran:
- Nivel cultural medio bajo.

- El marisqueo lo consideraban una actividad marginal.
- Nula visión comercial. Racionalidad no económica.
- Escasa cultura de inversión.
- Desorganización. Trabajo individual frente al trabajo colectivo.
- Escasa representación en las organizaciones del sector.
- Acentuado localismo, lo que provoca muchas veces enfrentamientos y conflictos.
- Percepción del marisqueo como actividad complementaria, no como profesión.
- Rendimientos mínimos.

El programa se elaboró, por lo tanto, teniendo muy en cuenta el sector al que iba dirigido y adaptado a sus necesidades de formación.

Objetivos del programa:

- Información para habilidades mínimas.
- Introducción del cambio cultural: semicultivo – autogestión.
- Organización, intercooperación.
- Criterios de calidad y comerciales.
- Incremento de la autoestima.
- La formación como herramienta útil a corto y medio plazo.

El resultado de los cursos fue algo tan sorprendente y espectacular su éxito, que conviene hacer una reflexión al respecto porque las cosas no suceden por casualidad.

- Hay que tener en cuenta una serie de factores, que podemos llamar factores de éxito como:
- Muy buena disposición de las mariscadoras después del I Encuentro, que se consiguió que creyesen que la Administración estaba dispuesta a, utilizando sus palabras, "echarles una mano".
- Buena coordinación previa.
- Atención individualizada por Agrupación.
- El entusiasmo y apoyo decidido de los monitores y monitoras que impartieron los cursos.
- La vinculación con el Plan Galicia. A lo largo del año 1996 la Consellería de Pesca puso en marcha un proyecto para la profesionalización del marisqueo conocido como "Plan Galicia". Este Plan pretendía una transformación del sector fijándose dos objetivos fundamentales.
- La conversión del marisqueo a pie en una actividad profesional.
- La autonomía financiera, técnica y de gestión de las entidades asociativas de las mariscadoras.

La vinculación al Plan hizo que por parte de las mariscadoras vieran la finalidad práctica de lo aprendido en los cursos, y que no se quedaban en cursos teóricos. Todo lo que estaban aprendiendo lo necesitaban en la práctica se empezaban a cultivar. Y por otro lado supuso que pensarán que la Administración iba en serio y que apostaba por el sector.

Según sus propias expresiones:

“La gente se concienció mucho en los cursos”.

“Deberían ser obligatorios para todas”.

“Antes íbamos a la cofradía con miedo. Ahora notamos que nos respetan de otra manera”.

“Nos dimos cuenta de la importancia de estar informados”.

“Tener la oportunidad de conocernos y relacionarnos entre nosotros (intercooperación) fue muy importante”, etc. etc.

En el año 1997 se realizó el II Encontro de mariscadoras en la provincia de Lugo, en Viveiro.

Si hacemos una evaluación desde noviembre del 95 hasta este momento se resumiría en los siguientes puntos:

1. Toma de conciencia en cuanto a su actividad como futuras profesionales.
2. Empezar a cambiar la mentalidad, pasar de “el mar es de todos” a empezar a cultivar.
3. Valorar lo que supone la información y formación de cara a una profesionalidad. La demanda de más cursos, y de un nivel superior, así lo demostraron.
4. Tener clara la necesidad de organización. La demanda de un reglamento para constituir las agrupaciones de mariscadoras, puede decirse que fue unánime.
5. En las cofradías ante la demanda de las mariscadoras hubo un cambio de actitud, lo que demuestra que si antes no tenían actuaciones en este sentido era que las mariscadoras no las demandaban.
6. En algunas cofradías empezaron a tener representación en el cabildo.
7. En la propia Consellería hasta los más escépticos empezaron a creer que la profesionalización del sector era posible. Y las más optimistas sabíamos que para que algo sea posible primero hay que creer que es posible.

El III Encontro de mujeres mariscadoras se realizó en la provincia de A Coruña, en Sada el 28, 29 y 30 de octubre de 1998.

Objetivos del encuentro:

1. Asentar en la conciencia de las participantes que su esfuerzo les permitió avanzar.
2. Valorar los logros alcanzados en esos dos años de cambio.

3. Abrir un debate sobre determinados temas que afectan al desarrollar del marisqueo a pie:

- a) Estrategias de comercialización.
- b) Plan de Explotación. Planificación de la actividad.
- c) Erradicación del furtivismo.
- d) Importancia de la organización.
- e) Acceso al recurso. PERMEX.
- f) Calidad en el medio ambiente.

4. Plantear nuevos objetivos a conseguir en los próximos años.

Valoran así los logros alcanzados:

- Mayor formación e información.
- Empezar a cultivar (Plan Galicia).
- Organización de turnos de trabajo para hacer limpiezas, rareos, recuperación de zonas improductivas y vigilancia por las propias mariscadoras.
- Lo que supuso:

Disminución del furtivismo.

Aumento de la producción y en consecuencia descuento de los ingresos por mariscadora.

- Aumento de precio mínimo de retirada.
- Establecimiento de puntos de control en las playas para controlar topes y tallas mínimas.
- Cambio de mentalidad, al pasar de recolectora a cultivadora.
- Consiguieron representación en los órganos de gobierno de la cofradía en sitios donde nunca la tuvieron antes.
- Empezar a constituir en algunas agrupaciones un fondo de capitalización de cara a ser autosuficiente.
- En algunos casos ya realizaron inversiones de sus fondos para comprar semilla.
- Ampliación de especies de cultivo.
- Más unidad entre las mariscadoras.

Y se marcaron los siguientes objetivos:

- Aumento de los ingresos hasta conseguir un salario digno.
- Estar todas dadas de alta en el ISM para tener derecho a una jubilación.
- Erradicar el furtivismo.

- Obtener la denominación de origen para nuestros productos.
- Cooperar entre distintas agrupaciones para vender lo mejor posible.

Los IV Encuentros de mariscadoras se celebran en el año 2000 y con el fin de que participaran más mariscadoras en vez de hacerlo a nivel de toda Galicia se hicieron por rías para que pudiesen asistir toda la directiva de cada Agrupación.

Los temas a tratar:

- Seguridad Social.
- Agrupaciones de mariscadoras.
- Régimen sancionador.
- Criaderos de semilla.
- Cursos de formación (demanda).

### **Situación Actual**

Cofradías donde las mariscadoras están organizadas y tienen constituida la agrupación de mariscadoras lo que le permite realizar puntos de control en las playas, organizar los distintos trabajos, hacer vigilancia, etc. (Ver Anexo)

El número total de mariscadoras pasó de 12.000 en el año 1995 a 5.490 mariscadoras actualmente que están en posesión del permiso de explotación.

Las rentas varían bastante teniendo en cuenta la situación geográfica, van desde los 2.405 euros/año de las mariscadoras de Río Anllóns hasta 15.626 euros/año que ingresan las mariscadoras de Muros. Esto es debido a que además de almeja están explotando otros recursos que antes desperdiciaban como: poliquetos, mejilla, algas, percebe, navaja, coquina, etc. En cualquier caso triplicaron sus ingresos.

Todas las mariscadoras están dadas de alta en el ISM y contemplan el marisqueo como su profesión y de la que se sienten orgullosas.

El cambio de mentalidad y de aptitud por parte de las mariscadoras fue que pasaron de pensar "el mar es de todos", a destacar la importancia del semicultivo y a considerar la posibilidad de tener un puesto de trabajo digno del marisqueo. Este hecho en un espacio tan corto de tiempo supone un salto cualitativo sin precedentes en el sector.

Ahora quieren avanzar un paso más que es el de constituir una asociación a nivel de toda Galicia, que aúne a las agrupaciones legalmente constituidas para la defensa de sus intereses.

En el "V Encuentro de Mariscadoras", celebrado los días 3, 4 y 5 de abril de 2002 en Santiago de Compostela, el tema central de este encuentro fue el debate de los estatutos para constituir la futura Asociación Gallega de profesionales del marisqueo a pie de Galicia.

Una vez debatidos los estatutos se efectuó la votación y fueron aprobados. También se aprobó el nombre de la Asociación: "AREAL".

Se necesitó un tiempo para realizar la asamblea constituyente ya que las asambleas de las distintas agrupaciones de mariscadores tuvieron que ratificar su integración en esta



Asociación, así como la Junta General de las cofradías, como órgano con personalidad jurídica tenía que estar de acuerdo con la integración.

Los días 14 y 15 del mes de noviembre del 2002 se celebró la Asamblea Constituyente en Santiago de Compostela.

Se integraron en este momento 24 agrupaciones de mariscadoras que suponen el 54% de las agrupaciones constituidas. Seis agrupaciones asistieron como invitadas puesto que tenían pendientes la autorización de sus correspondientes cofradías para poder formar parte de AREAL.

Se eligió al Consello rector formado por: presidenta, vicepresidenta, secretaria, tesorera y tres vocales como representantes provinciales.

Y se marcaron los siguientes objetivos:

- Tener representatividad a nivel autonómico ante todas las Administraciones y en especial de cara a la Consellería de Pesca y Asuntos Marítimos.
- Fomentar la entrada del mayor número de agrupaciones legalmente constituidas superando las trabas por parte de algunas cofradías.
- Establecer posibles mejoras y convenios en aspectos comerciales.
- Funcionar como central de compras o de servicios (semilla, depuradoras, minicriaderos, etc.).
- Buscar mejoras en las condiciones laborales para las mariscadoras.
- Centro para compartir y divulgar información.
- Dar a conocer el sector a las distintas administraciones.
- Gestión de ayudas y proyectos.
- Búsqueda de soluciones en temas medioambientales: lucha contra la contaminación, tener la posibilidad de expresar opiniones en temas de rellenos, puertos,...
- Ser un órgano de consulta para la administración pesquera.
- Intercambio de experiencias.
- Asesoramiento a medida.
- Fondos de capitalización / seguros para paliar los posibles daños originados por temporales,...
- Defensa y promoción del producto, en especial alcanzar la Denominación de Origen a medio plazo, y mientras tanto empezar por distintivos comerciales para diferenciar el producto por zonas.
- El aumento del precio consiguiendo una buena comercialización, concentrando la oferta y logrando acuerdos de precios mínimos de venta.
- Concienciación de la sociedad, especialmente de los turistas, de no realizar furtivismo.
- Formación.

## Las rederas: capacitación o extinción

### Par Valbarena Trigo Duran

Llevo más de 40 años en la profesión de redera, en la empresa que fundó mi abuelo, en los principios del siglo XX. Mi padre, mi madre y mis hermanos, siempre han trabajado en el mar, con distintas artes de pesca y marisqueo, aunque la principal fue y sigue siendo el cerco.

Mi familia ha pescado desde la costa portuguesa hasta la francesa, pasando por supuesto por la española; como se puede comprender, el mar lo es todo par mí y los míos y todo gira a su alrededor.

En este momento, son mis hermanos los que llevan la empresa en la que trabajo; coordino a 4 trabajadoras generalmente y hasta 10 en los momentos punta.

Hasta hace poco muchas mariscadoras ataban redes, bien como complemento a su trabajo principal, bien como ayuda a la embarcación que sustentaba la casa. Hoy esto cada vez se ve menos, dado que el marisqueo se acerca cada vez más a la acuicultura y ocupa todo el tiempo a estas personas.

Trabajamos muchas veces a la intemperie y hacer un aparejo de cerco, cuesta más de 6600 €, y lleva a 4 mujeres expertas un mes o mes y medio realizarlo; aproximadamente, el ritmo es 100 metros en 7 horas. Si bien hacer un aparejo nuevo, es menos frecuente, la reparaciones de los mismos si lo es y mantienen la actividad casi en continuo, en nuestro puerto. Se nos paga la hora a 4 €, lo que es absolutamente insuficiente, para mantenernos en las épocas de menor actividad.

Son muchas las que aprendieron el oficio, pero este trabajo no es estable, sino que depende de las circunstancias de la pesca, por ello, muchas rederas han elegido otros trabajos, menos atractivos, más monótonos, más duros, pero también más estables. Creo que hoy en día mi trabajo, se está extinguiendo y yo me pregunto: ¿quién construirá y reparará los aparejos para la flota costera? ¿Quién garantizará la seguridad de los aparejos y por consiguiente la de los trabajadores? ¿Quién adaptará los aparejos a la forma de trabajar de cada embarcación y de cada patrón?

En este sentido, debo decir sin petulancia, que las rederas gallegas conocen muy bien su oficio, por que a nosotros, no nos ha quedado más remedio que vivir de cara al mar durante siglos, lo que ha contribuido a crear una cultura marinera propia, basada en una larga experiencia y la más pura tradición. Tanto es así, que es muy frecuente, que marineros de otras comunidades autónomas, viendo los aparejos de la flota gallega y su efectividad con respecto a los suyos, han decido encargarlos en Galicia. Pesquerías tan diversas, como el atún en el Océano Indico, utilizan aparejos confeccionados en nuestros puertos. También recibimos encargos de otros países, tales como Japón, que se nutrió no hace mucho, de todo tipo de artes de enmalle (volantillas, rascos, niños..) en nuestros talleres.

Parece chocante, que en estos momentos en los que la prevención de los riesgos laborales se exige con más ahínco, buscando hacer más seguro el trabajo en el mar, se le dé tan poca

importancia a una adecuada construcción de los aparejos de pesca. No parece razonable tampoco, que en este momento en el que la palabra “RENTABILIDAD” se pone en letras luminosas en los buques, los aparejos no se adapten al máximo a las condiciones de las embarcaciones que los portan, a las zonas de pesca y a la manera de interpretar el lance de patrones y marineros, que hacen uso de ellas.

Quiero reivindicar desde aquí, la necesidad de crear herramientas financieras y administrativas, que nos permita profesionalizar el sector, salvándolo de la extinción y del intrusismo profesional. Por ello creo necesario acreditar a la redera profesional, de modo que los aparejos necesiten ser confeccionados por estas profesionales, para que tengan las máximas garantías de calidad y seguridad.

Se dará así, más carga de trabajo al colectivo, de modo que se podrían crear empresas rentables, para prestar este indispensable servicio a la flota. Esto supondrá, salvar a este colectivo de la extinción y con él, todo un saber secular de construcción de redes y aparejos, además de **mejorar la rentabilidad de las embarcaciones y la seguridad a bordo**. Que nadie dude que las que sentimos este oficio y esta forma de vida, pondremos todo de nuestra parte para que esta actividad profesional y cultural se conserve y pueda ser transmitida a las próximas generaciones.

## **La comercialización de los productos marisqueros frescos que cultivan las mujeres Gallegas**

**Par José Alberto de Santiago Meijide**

Durante el tiempo que dure mi exposición, quiero darles una visión general de cómo se comercializan los productos marisqueros en Galicia y sus particularidades, que vienen en cierta manera condicionados, por el importante peso social de esta actividad en nuestra tierra y por la reglamentación a la que está sometida.

Con seguridad al referirme a Cambados, puedan reflejarse numerosos colectivos de la Comunidad Autónoma, que han evolucionado y siguen evolucionando, hacia una comercialización cada vez mejor, de los productos que ofertan. Pero no nos equivoquemos, mantener la fidelidad del cliente no es fácil, incluso a pesar de que nuestros mariscos, gozan de una aceptación muy alta en los mercados tradicionales españoles, es necesario seguir trabajando para que esto siga siendo así.

Si bien hoy se puede decir, que prácticamente todo el marisco se vende en lonja, no siempre ocurrió esto, por ello y con el fin de poner orden en la venta de los productos frescos de la pesca y el marisqueo, se promulgó en el año 1993, el Decreto 419, que regula su descarga, primera venta y comercialización. Los aspectos más interesantes de esta norma, pueden resumirse en:

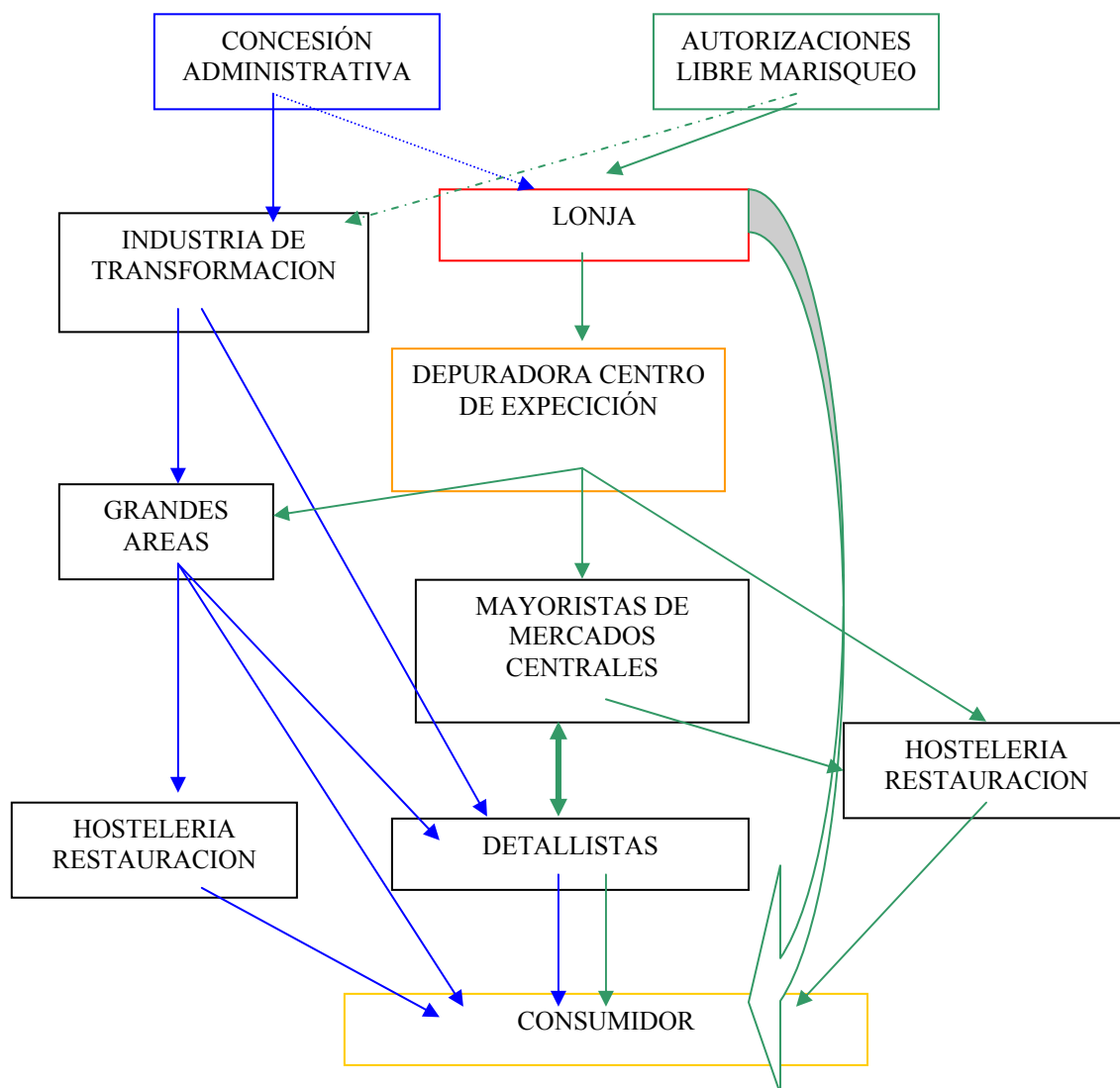
- La descarga y primera venta de los productos en fresco de la pesca y marisqueo, se han de llevar a cabo en las lonjas o centros autorizados.
- Para descargar y vender, es necesario estar habilitado para ello, esto es, se necesita el permiso de explotación (PERMEX).
- La entidad de la que dependa la lonja, será la responsable de que cumplan la normativa para la comercialización de los productos descargados.
- En el supuesto caso, de que las especies no guarden el tamaño reglamentario, serán retenidas por la entidad concesionaria.
- Para llevar el producto por tierra a una lonja distinta a la habitual, es necesario que el transporte sea adecuado y obtener una guía de descarga.
- La lonja podrá cobrar al propietario de la pesca, hasta el 1% sobre el valor de la misma, por los servicios prestados.

De este mecanismo, quedan exceptuados la producción que provenga de concesiones administrativas (como por ejemplo el mejillón), y de establecimientos auxiliares de cultivos marinos (depuradoras, cetáceas ...).

Son justamente las estaciones depuradoras de moluscos, los principales clientes de una lonja como la de Cambados y el vínculo con el consumidor; en esta Villa hay 8 de las 44 que existen en Galicia, lo que da idea de la dependencia de este pueblo de las actividades marinas. Pero no sólo estos establecimientos auxiliares, son los encargados de distribuir nuestros

moluscos, sino que también hay minoristas que los comercializan por su cuenta, alquilando el servicio de depuración. Estas industrias facturan más de 180 millones de €.

El circuito comercial puede resumirse en el siguiente gráfico:



La lonja de Cambados, ha facturado en el año 2002 un total de 5.200.398 €, y esto a pesar del desastre del Prestige. Este hecho impidió hacer ventas durante el mes de diciembre, tradicionalmente uno de los más importantes del año, desde un punto de vista comercial (12-14% de la facturación anual).

Para alcanzar esta facturación, lo primero que se debió hacer, fue concienciar al productor en todo lo relativo a la preservación del recurso, el porqué del acceso restringido al mismo y la necesidad de una adecuada venta del producto. Era una constante de muchas zonas de Galicia, la necesidad de organización interna en algunos sectores de cada una de las cofradías, los cuales, lo fueron haciendo a su propio ritmo y sirviendo unos de ejemplo a los otros.

El caso de Cambados, puede ser ilustrativo de lo que ha ido pasando en otras zonas gallegas, que no es más que la evolución constante hacia una gestión cada vez más profesionalizada de los recursos naturales, que de ellos dependen.

Desde un punto de vista de la comercialización, hubo que dar una serie de pasos, muy bien pensados para conseguir, no sólo la mejora del sector, sino también y sobre todo, su apoyo. Se asentaron las bases de organización, gracias a un gran esfuerzo formativo e informativo que realizó el departamento de Extensión Pesquera de la Comunidad Autónoma y a la colaboración, receptividad e inquietud de las mariscadoras.

Con las primeras pautas de organización interna ya establecidas, fueron surgiendo líderes sólidos, tal vez, la figura más difícil de encontrar, pues necesita unas aptitudes personales muy concretas.

Uno de los primeros objetivos, fue eliminar la oferta tan atomizada que existía; prácticamente cada productor era un vendedor independiente. Al conseguir que todo el marisco se desembarque en un único punto de control, algún producto pasó de 0.3 € a 1.8 €, de un mes para otro. Fue un paso muy complicado de dar, pero era fundamental para poder asentar los siguientes.

Seguidamente se apuesta por la regulación de la oferta, en función de los precios alcanzados en la subasta. Hay épocas del año donde la demanda es más débil que en otras, por lo que es adecuado preservar el recurso, para el momento en que alcance mejores precios.

En este momento se está trabajando en dos aspectos:

a.- En mantener la calidad de nuestro producto: La calidad la hemos entendido como conseguir una mínima variación en el producto que se oferta, de modo que el cliente, sepa que se va a encontrar en nuestra lonja. Esto es responsabilidad de todos los que estamos trabajando en esto, directivas, técnicos, productores subastadores y también personas que comparte el negocio, cuyas sugerencias y conocimiento directo de los mercados, hacen que podamos mejorar más eficazmente.

Para mantener la calidad, se controla técnicamente la explotación, se aplican rotaciones de playas, en función de la demanda y el estado del producto y se están ensayando sistemas para regular la oferta en cualquier época del año, de modo que se minimice el riesgo para el marisco.

Tal vez un indicador de que vamos mejorando, es que los precios se mantienen razonablemente estables, durante todo el año y al alza de un año para otro.

b.- Aumentar la producción y diversificar la oferta: Es absolutamente necesario aumentar los rendimientos de la explotación, como elemento para mejorar las rentas, abastecer al cliente y de defensa contra caídas de precios.

Se están aplicando técnicas de acuicultura sobre especies de almeja y una gestión muy cuidadosa de especies estratégicas de la “r”; las primeras por el alto precio que alcanzan y las segundas por el alto volumen de kilos que representan. Unas y otras, son complementarias.

Para conseguir este aumento de producción, se ha tenido que cambiar de mentalidad, de forma que hoy el marisqueo, es cada vez más acuicultura, lo que significa, inversiones (materias primas, técnicos, maquinaria...) y un mayor volumen de horas de trabajo.

¿Cuál será el siguiente paso? Siguiendo la máxima: “debemos dejar de competir entre nosotros mismos, para ser realmente competitivos”; creo modestamente, que se debe seguir el camino de concentrar todavía más la oferta; me refiero a una coordinación entre los

productores y lonjas de las distintas cofradías, para que se reduzca la dispersión de precios sobre un mismo producto y facilitar la tarea de los clientes. Todo ello, sin desatender la producción, de forma que se mantenga con unos costes y una calidad que satisfaga y abastezca a nuestros clientes.

Esto supondrá un reto a todos los niveles, productivo, logístico y organizativo, pero no mayor que otros que se han solucionado en un corto espacio de tiempo y con un mínimo trauma para el sector. Se ha demostrado muchas veces, que “querer es poder” y muy probablemente, se volverá a demostrar.

# **La commercialisation : vente directe**

**Par Christine Blanchard**

Plus spécialement pratiquée par les femmes des petits métiers méditerranéens « filets levés chaque matin »

La femme qui ne travaille pas (qui n'exerce pas une activité extérieure au monde maritime) se procure, par le biais de la vente directe, un revenu personnel.

Le processus repose sur le constat d'une valeur du produit frais pêché, d'un manque éventuel sur le marché local, des prix bas pratiqués par les mareyeurs ou les criées opposés au prix élevés dans les poissonneries locales, des prix stables mais peu attractifs en cas de pêche peu importante, des prix catastrophiques quand la quantité du marché est importante (saison de pêches de certaines espèces)

Quand la femme du pêcheur a intégré ces données et que les ressources du ménage sont à la baisse, la vente directe est l'activité la plus pratiquée par les conjointes des pêcheurs.

Une plus-value évidente pour un investissement réduit

De la vente au « porte à porte » du passé toujours pratiquée au sein d'un cercle restreint de clients, deux pratiques émergent :

## **Vente sur le quai pour les petits métiers de la mer**

Des petits étals installés à côté bateaux permettent la vente de la pêche du matin, au fur à mesure du démaillage. Les clients sont là, les municipalités, conscientes de l'intérêt touristique de cette animation soutiennent les initiatives. Les invendus éventuels de ces ventes qui se tiennent en matinée, sont portés à la criée.

## **Vente sur les marchés locaux, ou tournée des villages voisins**

Pratiquée principalement par les petits métiers, la vente implique l'utilisation d'un véhicule, glacières et matériel de marché. Cela nécessite également la compréhension des « placiers », sachant qu'une place fixe de marché est difficile à obtenir et qu'un « producteur » est susceptible de manquer certains jours ou par période du fait d'éléments propres à l'activité de pêche.



# La diversification des activités familiales

**Par Christine Blanchard**

La vente directe de la pêche par la femme du pêcheur est un premier pas dans la démarche de recherche de revenus complémentaires.

Hormis cette pratique répandue, quand la ressource se raréfie, quand le revenu de la pêche n'est plus suffisant pour payer les charges sociales du pêcheur et faire vivre la famille, la femme du pêcheur va travailler à l'extérieur :

- un emploi à temps complet en relation avec ses compétences professionnelles
- les petits boulots saisonniers et précaires (restauration, hôtellerie, commerces) liés à l'activité touristique des communes côtières

Depuis peu, pratiquer en famille, une activité complémentaire à l'activité pêche est une solution motivante

Localement, des initiatives de diversification émergent, prouvant une évolution des mentalités liée à la propriété foncière : création de gîtes ou de chambres et table d'hôtes « du pêcheur »

Une expérience tentée par un couple « petit métier » est pleinement réussie. Déjà propriétaire de son habitation, le couple a rénové une grange attenante et créé 3 chambres d'hôtes. A la table du pêcheur, le client consomme le poisson pêché. Le revenu procuré par l'activité complémentaire d'hébergement touristique est devenu très rapidement plus important que celui de l'activité pêche. Inscrit au « gîtes de France », le « remplissage » est assuré en saison mais également hors saison, grâce à la fidélisation des clients et au bouche à oreilles. Au niveau des charges sociales, l'activité n'est pas assujettie à cotisations supplémentaires comme pour les agriculteurs, elle n'est pas considérée comme activité distincte mais bien comme complémentaire.

Par opposition, l'ouverture d'un restaurant par le conjoint du chef d'entreprise est une activité commerciale indépendante, soumise aux charges afférentes, même si la « table » est le lieu privilégié de la transformation et de la vente du produit pêché.

Dans le cas de la diversification en « Gîte du pêcheur », la démarche est complétée par une ou plusieurs prestations en rapport avec la personnalité de la famille. Il peut s'agir de découverte du milieu maritime et de l'activité pêche, de la découverte de la faune et flore locale, d'une proposition touristique de découverte de la région, de la découverte des produits locaux du terroir.

Actuellement, un professionnel petit métier étang et son épouse, parallèlement à l'activité de pêche, exploitent des chambres et une table d'hôtes, avec l'apport des prestations citées. Le résultat est plus que positif. La vente directe pratiquée par ce couple a été stoppée. Par contre, un jardin potager, quelques volailles et la plantation d'arbres fruitiers accompagnent la diversification. Un partenariat avec un vigneron voisin permet au client de trouver un « produit local authentique », source du succès de l'opération.

## One example of diversification

**By Sally Barnes**

I am a former fisherman's wife, and have for the past 22 years enhanced the income from (small boat) fishing by starting up an artisanal fish-smoking business here in Ireland. I started this business because the prices for the fish that my husband was catching were very poor, and because he was left a bad debt 23 years ago (when my youngest child was born), and in lieu of the monies owed to us, the debtor gave us a smoking kiln.

I had already been trying out smoking as a means of preserving the gifts of Nature before the kiln came, and when I had worked out how to use it, I studied Food Production Systems with the Open University in England (which I was able to do from home, as it was not possible for me to travel to a University in this country, as I was responsible for the children). I then studied Oceanography with the same institution, and started my business. Initially, I did all the work by myself, with the children at school during the day. As time went along, the orders came in and I now employ up to 6 people, and sell throughout Europe, to delicatessens and good restaurants.

The community in which I live and work is remote and relies heavily on the fishing for economic activity. With stocks shrinking, and with a business which focuses only on wild fish, my business is in a precarious position. I concentrate on working with herrings, tuna, wild salmon, sprat, mackerel, and haddock, and I buy these from the local Fisherman's Co-operative, of which I am a member (although my husband does not think that this is right !). I buy salmon directly from the fishermen, and pay better money for it than most other buyers, as I know too well what that money means in fishing household.

I am very keen to educate more women like myself, who are at home with the children, with absent husbands and erratic incomes, to be able to create an income for themselves and the children. I had no experience in fish smoking when I had my children, but before I came to live in this community 27 years ago, I trained as a teacher. It was not possible for me to teach in schools here, but over the years I have taught many people the art of preserving fish by salting/smoking, and currently have a young man from Angers working on his project from *L'École des Etablières in Pouzauges*, in Quality Food Production. He is my third student from this establishment, and I am very happy with him.

I would like more women to know that it is possible to be 'single-parenting', which was my experience of being a commercial fisherman's wife, and to be financially independent and be there at home for the family. I have no family in this country, no contacts which might have made things easier for me, and it was not easy to borrow money to set up the business, but I did, and it is now very successful. There are very few women in this business, and it would be very good to meet more, to exchange views and information. It has become much more difficult to remain in Food Production due to the EU Regulatory bodies and the regulations themselves, and I hope that the expense which is now entailed in setting up such a venture will not put people off trying. My business is HACCP approved, and I am approved for sales into the USA. I would like to share my knowledge with others.

# Diversification économique des entreprises conchylicoles : le tourisme bleu

**Par Dominique Richiero**

## **Historique**

L'Association Professionnelle des Conchylicultrices de Bassin de Marennes-Oléron (APCBMO) a été créée en 1983 avec pour objectif l'obtention d'un statut pour les conchylicultrices, l'information et la formation de celles-ci.

En 1993, elle décide de mener une réflexion sur les possibilités en matière de développement du tourisme rural sur le bassin de Marennes-Oléron afin d'impliquer les conchylicultrices dans cette activité économique.

Les femmes partent :

- d'un constat : le tourisme se développe de plus en plus sur le littoral charentais
- d'une réalité : la situation économique des entreprises ostréicoles se dégrade d'année en année.

L'APCBMO. s'associe au CFPPA (Centre de Formation Professionnelle et de Promotion des Adultes), au Lycée de la Mer et du Littoral et à l'A.D.A.C.(Association pour le Développement de l'Algue en Charente-Maritime) pour fonder le Groupe Terre et Mer afin de mener à bien leurs projets de développement dans le milieu maritime local. Ils obtiennent ainsi des financements du département, de la région, du fonds social européen.

Le projet "Tourisme Bleu" porté par l'APCBMO. s'articule sur deux années.

### ***1ère année - formation de sensibilisation au tourisme rural :***

Les thèmes abordés sont la connaissance de la clientèle, organiser l'accueil des touristes, les aspects réglementaires, la promotion et la commercialisation de produits touristiques. Un voyage d'étude est réalisé en Bretagne et Pays de Loire afin de découvrir des initiatives (route de l'huître, ferme auberge marine).

6 ostréicultrices, 1 algoculteur et 3 personnes extérieures au milieu ont suivi cette formation

### ***2ème année –formulation et mise en place de plusieurs produits touristiques.***

1 ostréiculteur qui accueillait déjà des visiteurs sur son exploitation, 1 mytilicultrice et 2 aquacultrices (élevage de palourdes) ont rejoint le groupe.

A l'issue de ces deux années l'association Terre Marine a été créée. L'idée était de constituer un réseau de découverte des métiers et produits de la mer sur l'ensemble du Bassin de Marennes-Oléron., de participer à la protection de la zone de travail des professionnels (la mer et le marais) en la faisant connaître, et respecter. Et bien sûr dégager un complément de revenu.

## **Fonctionnement**

Terres Marines est constituée de professionnels qui organisent des visites de leur exploitation, à terre, avec dégustation de leurs produits, et d'ostréiculteurs qui embarquent des touristes sur leur bateau lorsqu'ils vont à la marée travailler sur les parcs à huîtres.

Dans le premier cas, l'exploitant paie une cotisation de 61 euros à l'association. Il fixe le prix de sa visite qui lui revient et reverse 8 centimes d'euros par visiteur à Terre Marine. Dans le second cas, l'ostréiculteur qui participe à la flottille paie une cotisation de 7 euros. Le prix du billet d'embarquement est fixé par l'association. Il représente pour une part un droit d'assurance et pour l'autre part une participation à l'association. L'ostréiculteur ne peut en tirer un revenu car il serait considéré comme transport de passagers (réglementation particulière). Il vend ses huîtres.

Terre Marine édite des dépliants qui sont diffusés localement dans les offices de tourisme, les campings et sur les salons nationaux et étrangers par le comité départemental au tourisme et la section régionale conchylicole.

## **Retombées et incidences**

### ***1. Sur le revenu***

Mis à part une aquacultrice qui a ouvert une ferme auberge marine et réalise, avec, plus de 50% de son chiffre d'affaire, les autres sites tirent un très faible revenu de leur activité touristique. Ils reçoivent entre 1000 et 2000 visiteurs par an. Cela peut s'expliquer par la promotion relativement réduite réalisée par l'association.

Par exemple, sur mon exploitation, les visites représentent à peu près 7% de mon chiffre d'affaires. Cependant j'envisage de le doubler et peut être plus en faisant ma propre publicité et en ayant une démarche plus commerciale et personnelle. La difficulté est de trouver le point d'équilibre entre l'activité touristique et l'activité ostréicole afin que la première ne se développe pas au détriment de la seconde. Il n'est pas possible d'envisager l'emploi d'un salarié. Sur le bassin de Marennes-Oléron un couple produit en moyenne 20 à 30 tonnes d'huîtres. Le salaire annuel d'un ouvrier représente une production supplémentaire de 10 tonnes.

### ***2. Sur la promotion du bassin et l'environnement***

Le succès des visites auprès des touristes contribue :

- à la promotion du bassin de Marennes-Oléron et de la région. Les visiteurs découvrent un territoire, des professionnels, des savoir-faire et repartent avec l'image d'un produit de qualité
- à la protection du milieu en apprenant aux visiteurs à le respecter mais aussi en sensibilisant les ostréiculteurs à leur propre environnement (entretien des cabanes, propreté des abords).

### ***3. Sur la reconnaissance de la femme dans l'entreprise ostréicole***

Avant de mettre en place leurs activités touristiques, les femmes ont rencontré les ostréiculteurs afin de leur expliquer leur projets et leur faire accepter la venue de cars sur les sites ostréicoles. Les ostréiculteurs ont peu à peu compris l'intérêt de ces initiatives et au fil du temps ont adhéré à la flottille. Depuis, sur certains chenaux, l'ensemble des professionnels

organisent des fêtes pour partager une journée avec les touristes et leur faire déguster les produits locaux. Les hommes ont reconnu le sérieux et le "professionnalisme" de leurs épouses. Certains et même certaines ont pris conscience de l'importance du rôle de celles-ci sur l'exploitation. Des récalcitrants ont accepté que leur femme opte pour un statut.

L'APCBMO, tout en développant le tourisme bleu, continuait à se battre pour l'obtention d'un statut pour les conchylicultrices. La médiatisation importante (nombreux articles de journaux, émissions radios et télé) tant sur le plan local que national a permis d'aborder systématiquement le problème de l'absence de reconnaissance des conchylicultrices. L'APCBMO a obtenu une meilleure écoute de ses revendications par les élus professionnels et politiques.

Le seul aspect négatif relevé par certaines épouses dans cette diversification est l'engouement que leur mari trouve à emmener de jeunes et jolies vacancières à la marée. Des divorces ont été évités de justesse. Nous avons à déplorer une tentative de meurtre entre ostréiculteurs qui convoitaient la même passagère. Chassez le naturel il revient au galop!!!

# **Women and their role in enterprise - Legal Status**

**By Mrs Sheryll Murray, Fisherman's wife and County Councillor**

## **Women and their role in enterprise**

### ***Enterprise management***

Many women who are the partners of fishermen are directly involved in the administration duties connected with the fishing enterprise.

Accounting – preparing the accounts for presentation to an accountant for audit. Women can be paid a small amount for carrying out these duties and this amount is exempt from taxation responsibilities of the enterprise. It is disproportionate to the amount of work carried out.

### ***Women participation to production***

A small number of women in the UK participate in the production side of the enterprise acting as crew on vessels. The physical make up of a woman is an obstacle in carrying out this type of work. However, the navigational skill of a woman is equal to that of a man.

### ***Women and property of production tool and rights.***

A woman in the UK has no distinctive claim other than her rights as a spouse or partner in the property. Whilst she could claim a share of the boat and the gear, unless she is specifically named as part owner on the vessel's license and /or quota attached to this license she would have no power to stop the disposal or to engage in the disposal of the same.

Some women are nominated to receive information from the Ministry on behalf of their fishermen partners. They are then bound to inform the fishermen at sea of any License Variations in order that any amended rules are adhered to.

### ***Diversification of activities within the family***

This is one area where a woman could enhance the economic well being of the enterprise. However, in today's climate of reducing quotas forcing economic constraints on the fishing industry in the UK it is often impossible for the woman to find the initial set up finance. This is one area where the European Union could assist. Any financial assistance **MUST** be independent of the National Government because in the UK the available funding is often denied not by the EU but by the UK Government.

### ***Women and fishing gear preparation and maintenance***

Women do get involved in making and repairing nets or other types of fishing gear. Particularly, if this takes place near the home. Women will also contact gear manufacturers and suppliers of equipment in order to save time whilst the partner is at sea. There is often very little acknowledgment of this work. A woman could not claim any official rights for carrying out these duties.

### ***Training and formation***

There is some training for fisher women on certain duties carries out in the UK.

This is mainly restricted to accounting presentation.

The formation of groups of fisherwomen is restricted in the UK. It is often not encouraged by either the fishermen or the representatives of the industry. Traditionally, many fishermen see their women as “not needing to be involved” in their operations and many discourage their women to become involved. Some will have very sceptical view women who do become involved in aspects of their industry. There needs to be a distinct change of attitude from some of the fishermen regarding this. Of course some women do not want to become involved and are happy to stay at home oblivious to what is happening in the enterprise.

### **Legal Status**

In the UK the fishermen pay a higher rate of social security payment in order that they may receive unemployment benefit for the time they are unable to go to sea.

The situation has changed recently and they now have to remain “unemployed” for a whole week and not go near their vessel or work on the gear or the books in order to receive the payment.

If they do receive unemployment benefit for a week they also have their weekly Social Security contribution credited.

A woman is NOT recognised as being either an employee who can claim benefit or a partner. Women do NOT receive a share although if she is the owner of a share in the vessel, she would benefit from the percentage of profit attributed to that vessel.

With the situation the Scottish Fishing Industry now finds themselves, many women have to bear the stress and worry of their husbands. This is going to be very difficult for them to bear and any way in which assistance can be found for them is vital.

The Royal National Mission to Deep Sea Fishermen is a voluntary organisation in the UK who deal with social aspects of fishing families finding themselves in difficulty.

They provide financial advice and will also inform fishermen and their wives of the available benefits. Often providing practical assistance in time, of financial hardship.

In terms of medical assistance, the fishermen are viewed as “merchant seamen” and are able to obtain hospital treatment for non-urgent operations etc from the Dreadnought Unit at St Thomas’ Hospital in London. This could save them time waiting for an operation (such as a knee operation) which would prevent them from working. The Mission has accommodation which it makes available for fishermen’s families in London near the hospital where they can stay whilst the fisherman is hospitalised.

## **Présentation de Ruth Buchan sur la thématique “outils de production”**

Our family depends on the sea for a living. The business consist of 2 boats one a sein-netter the other a sein-trawler, also a ship supply/net making business. The owner's wives have a share in the boats and their N.H.I is paid from the business.

As the wife of the skipper of an 80ft sein-net fishing vessel I have kept the boats accounts. That is after the fish have been sold by the agent I bank the cheques, keep record of commission, dues, levies, VAT etc and pay the bills monthly for food, NHI, stores, gear, repairs, insurance etc.

I have no input on board the vessel and I have no desire or qualification to do so, my husband has been born into this job and is experienced and well informed.

We are a close community, so most crewmembers are 'known' locally. I have asked for credentials, experience, and family background and if they are drug free before passing their names to my husband to be considered as suitable crew.

My sister-in-law works in the supply and making of nets she also does the accounts, she receives a wage for this but is not an owner. In the past women were actively involved in mending and maintaining the fishing nets, now a days they are repaired on board the boats while working or if needed taken ashore and professionally repaired by our business or net maker.

By brothers are also involved in the fishing industry, one has a new prawn-trawler the other a fish-van, he sells various type of fish and shellfish and his wife looks after his accounts.

By daughters fiancé has a shellfish business he supply's crabs, prawns etc. which are mainly exported to France, out of his family none of the women are involved in the business.



## **Women and property of production tool and rights Fishing Boat - Fishing License - Track Record / Quota**

**Par Sheryll Murray**

In the UK the fishing vessel, the fishing license and the Track Record, (quota allowed) can all be sold separately, under certain circumstances. The woman involved in the fishing enterprise has no guaranteed rights of claim on any of these entities.

Women do not have automatic property rights to the fishing vessel. In the UK, a fishing vessel has to be registered under the Merchant Shipping Act. The ownership of the vessel is divided in 64 parts. If it is owned by the fisherman alone, he owns 64 shares in the vessel. If a partnership is undertaken, each partner owns a number of the 64 shares.

To give you an example, when my husband and I purchased our vessel, we bought it from a company with 4 equal directors. Each director owned 26 shares.  $4 \times 26 = 64$ . My husband then owned 64 shares and I had no share in the vessel. As a result, I would have encountered many problems if anything bad had happened to my fisherman husband.

Our fishing vessel belonged to my husband before we were married and I would not wish him to lose his vessel if anything happened in our very happy marriage. However, we realised that a problem could result, should anything happen to him and I was left alone with the family to support. We have now undertaken to allocate me one share of the vessel. That is 63 to my husband and 1 to me. This means that I will become the owner of the vessel should anything happen to my husband, yet he is still in control of his vessel and I cannot interfere.

In the UK, this is something ALL fisher families should look to do. However, there are many families where the husband or fisherman has the full 64 shares in his own name and the woman has none. A woman should be recognised for the work she carries out for the enterprise.

Under EU rules all commercial fishing vessels must have a license to operate in the production side of the Industry. The UK Government through the Department of the Environment, Food and Rural Affairs administers the UK Fishing Licenses. In the past years, many issues have evolved in relation to the fishing licenses of the UK fleet. Some issues are:

Vessels have installed much larger engines than their original license allowed.

The UK Government paid little attention to this practice until recently. There is now a “scramble” by these owners to buy licenses to make sure they have the correct statistics for their vessel for fear that a Commission Inspection would deem their operations illegal.

Fishermen wanted to build New Vessels and get some financial return for their old one. With the restrictions of the MAGPs, they have been unable to obtain a new license to allow them to operate. They have therefore sold their old vessel without the fishing license. Many vessels

that measured just over 10m in length were shortened so the new owner could buy a much cheaper under 10m license.

It is possible for fishermen in the UK to purchase a number of licenses to “aggregate” onto a much larger vessel. This results in the smaller, ecologically friendly vessels being destroyed by the larger, more efficient vessels. This situation should not be encouraged for the following reasons:

- Small vessels provide a higher rate of employment.
- Small vessels are more ecologically friendly.
- Small vessels supply good quality fish.
- Small vessels provide support for the fisheries dependant communities.

The UK Government has encouraged the situation the fishing industry faces today. The Commission should investigate this situation immediately.

A woman should be named on the fishing license. The UK Ministry does not help a woman by pointing out that once a share of the license is given to another party, it cannot be sold again without the permission of ALL parties. From my own personal experience, I can honestly say that the Ministry does NOT help the situation by making sure that doubt about signing the transfer form is placed in the mind of the fisherman.

Once again, if something fatal happened to a UK fisherman and his partner was NOT named on the license, there could be a lengthy legal situation that a partner would not want at such a time of distress. The UK Government insists on a nominated person who is based ashore and MUST inform the fisherman on any change in his license conditions, immediately, such as a total ban on landing a certain species. This legal requirement appears to be one way. The Government does NOT recognise that person as being a beneficiary of the license in different circumstances.

The best advice to a fishermen’s wife or partner in the UK is to make sure that they are named on the fishing license. The administrative bureaucracy of the British Government does NOT safeguard “Women in Fisheries”.

The UK system for managing fish quotas changed in 1999. A flexible system was used before this date but the Government allowed the vessel’s track record to be fixed from that date because of pressure from some fishermen driven by greed. Small vessels from coastal communities have lost out.

The quota that is now attached to a vessel’s license is not legally permitted to be transferred to another vessel. However, POs do facilitate this. The system is very complicated and I can provide details to anyone who is interested. I have first hand experience of how this system works because I was the Chairman of a Producers’ Organisation and understand the whole system in the UK.

Many fishermen do not fully understand the system of quota management and are only interested in having enough quota to legally land the fish they catch. Some Producers’ Organisations do not carry out their legal obligations in marketing in the UK. However, most of those in Scotland take their marketing obligations very seriously and the largest PO in the UK has engaged in contracts with Countries like China to make sure the Members can sell

their fish at a reasonable price. Women could be educated in the workings of the Quota Management system. Fishermen have no time to learn.

Women could also pay attention to the market prices of the fish. Women could create schemes for added value in times of diminishing fish stocks.

Vessels that are not Members of POs have their quota managed centrally from a Pool by the Ministry. The under 10m sector has its quota assessed globally by the Ministry. In recent times, the POs have dominated the UK quota and whilst most vessels fall into the under 10m sector, very little quota is available for them to catch. Whilst quota has been bought and sold in the UK a woman has no legal right to a share of the quota. However, if she is named on the fishing license, she automatically has a share of the quota.

Women put a lot of effort into keeping the vessel operational. They are often nominated to receive any communications from the Ministry and have the responsibility to ensure the fishermen at sea keep to the rules even if they change during a fishing trip.

Women should receive automatic recognition for this responsibility.

# **Le paradoxe des formations de femmes de pêcheurs : entre recherche identitaire et ouverture**

**Par Janick Moriceau, Cempama, France**

## ***Le contexte:***

Je travaille actuellement dans un Centre où l'on enseigne à des adultes l'aquaculture et la gestion des entreprises de pêche. J'ai également pendant 10 ans travaillé dans une organisation professionnelle de pêche en Bretagne.

Ce que je vais dire est donc en relation avec ce vécu. Ma vision est également celle de quelqu'un immergé dans un secteur où la pêche artisanale était largement prédominante (cette situation est en train de changer) et s'appuie sur la période allant de 1980 à nos jours.

Du côté de femmes conjointes de pêcheurs, il est difficile de résumer la situation, mais ces indications peuvent être utiles :

Si elles sont femmes de matelot, elles n'ont généralement pas de travail à l'extérieur de foyer. Par contre, si elles sont femmes de patrons pêcheurs, elles ont souvent différentes fonctions dans l'entreprise de pêche, des fonctions aussi essentielles que la logistique à terre, la gestion et la commercialisation. Ces fonctions ne sont pas toujours reconnues en tant que telles et il en est de même de leur statut dans l'entreprise.

Le secteur de la pêche florissant il y a 20 ans vient de subir une série de crises et l'horizon ne semble pas s'éclaircir.

## ***Les formations des femmes de pêcheurs, la demande et le paradoxe***

Sortir du quotidien familial, échanger ses expériences, ses inquiétudes, prévenir les accidents en mer et renforcer la solidarité à l'égard de celles dont le mari avait été victime d'accident... c'est un besoin d'ouverture qui a conduit les femmes à créer des associations et ce sont les associations qui ont défini et définissent les besoins en formation et les négocient.

Ces besoins évoluent avec leurs préoccupations : animation d'une association, prise de parole en public, sécurité en mer, organisation du secteur de la pêche, institutions européennes, gestion des entreprises de pêche, aujourd'hui gestion des ressources halieutiques....

Les préoccupations exprimées sont de plus en plus en relation avec le métier de leur conjoint. Elles souhaitent acquérir des connaissances pour comprendre et mieux défendre la profession. Elles confortent ainsi leur identité de "femmes de pêcheurs". Identité valorisante et hautement symbolique mais identité où l'on n'a d'existence qu'à travers la fonction de la personne avec laquelle on vit ! Identité si forte qu'elle gomme l'expression d'autres besoins même s'il faut aussi reconnaître que la totale dépendance de la famille par rapport aux revenus de la pêche motive doublement cet état de fait.

En ces temps où la situation de la pêche est particulièrement difficile, administrations, politiques font peser sur les femmes de lourdes responsabilités. Face à l'incapacité de ces

derniers à communiquer avec leurs pêcheurs de mari, ils les transforment en médiatrices. On dit, de plus en plus souvent, que sur elles repose l'avenir de la profession.

***Face à ce contexte, la réponse en formation est elle suffisante, adaptée ?***

Jusqu'à aujourd'hui ce sont des formations spécifiques qui ont été mises en place à la demande des associations. Spécifique dans leur contenu, spécifiques dans leur mise en œuvre : proximité, rythme conciliable avec la charge de jeunes enfants... et parallèlement non diplômantes, ne pouvant pas être valorisées ou difficilement dans un autre secteur d'activité.

Plus grave, de plus en plus souvent elles ne peuvent plus avoir lieu, pas assez d'inscrites ou pas assez de moyens financiers ! Si les pêcheurs disparaissent du littoral, les femmes de pêcheurs aussi. Le plus souvent centrées sur la gestion, ces formations intéressent rarement les femmes de matelots.

Aujourd'hui une réflexion collective devrait être entamée pour mettre en place un dispositif plus souple et plus adapté aux enjeux, qui soit vraiment opérationnel.

Des questions doivent être posées :

Doit-on poursuivre dans le choix unique de formations spécifiques pêches pour les femmes de pêcheurs ?

La confrontation avec d'autres publics et d'autres secteurs d'activités au sein de formation ne serait-elle pas nécessaire ?

# Statut salarié d'une entreprise de pêche

**Par Liliane Carriou**

Le choix du statut salarié pour la conjointe, la concubine ou pacsée est la solution la plus protectrice sur le plan juridique et social, mais également la plus chère.

La conjointe peut être salariée de son époux, il en va de même pour la concubine ou la partenaire d'un pacs, et le fait que l'entreprise soit un bien commun n'exclut pas cette possibilité (cass. soc. du 16.02.99, Faye). Ce qui importe, c'est qu'il y ait réellement une relation d'employeur à salariée.

## ***Une protection sociale complète***

La conjointe salariée cotise à la sécurité sociale (régime général et non l'ENIM), à la retraite complémentaire et au chômage. En cas d'arrêt de travail pour maladie, accident ou maternité, elle percevra des indemnités journalières. Elle est couverte en cas d'invalidité (paiement d'une pension) ou d'accident du travail avec séquelles (droit à un capital ou à une rente. Et à l'heure de la retraite, une pension vieillesse du régime général lui sera versée ainsi qu'une ou deux retraites complémentaires selon son statut de cadre ou de non cadre.

Si son contrat de travail est rompu (divorce, cessation d'activité ...), la conjointe pourra, si elle remplit les conditions nécessaires, percevoir les allocations chômage. En revanche, ses droits sur l'entreprise, en cas de divorce ou de décès du chef d'entreprise, dépendent de son régime matrimonial.

## ***La conjointe doit réellement se comporter comme une salariée***

Il ne suffit pas de se déclarer salarié. Il faut encore que les faits ne contredisent pas cette affirmation. Et, il faut bien l'admettre, la relation de subordination nécessaire à la reconnaissance d'un contrat de travail n'est pas toujours évidente entre époux, concubine ou pacsée. (le contrat de travail peut être un contrat à temps partiel ou temps plein).

D'un point de vue formel, vous devez faire établir un contrat de travail précisant les fonctions, les horaires, et le salaire de la conjointe, de la concubine ou pacsée, cette présomption de salariat a été étendue, par la loi du 15 novembre 1999, aux personnes liées par un acte civil de solidarité (Pacs)<sup>12</sup>.

Vous pouvez même faire enregistrer le contrat de travail au centre des impôts (coût environ 76 € 22). Bien que cette formalité ne soit pas obligatoire, elle a le mérite de donner une crédibilité supplémentaire et surtout une date certaine.

L'Assedic peut refuser le paiement d'allocations de chômage si elle constate que les conditions du salariat n'étaient pas remplies.

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<sup>12</sup> Contrat conclu entre deux personnes majeures pour organiser leur vie commune. Il crée des droits et d'obligations en particulier une aide mutuelle et matérielle

En pratique, pour avoir la qualité de salariée, il faut tout d'abord exercer son activité à titre professionnel. Ensuite, il faut travailler dans un état de subordination, c'est à dire sous l'autorité de l'employeur (en l'occurrence l'époux, le concubin, le compagnon), ce qui impose de ne pas s'immiscer dans la gestion de l'entreprise (sauf si vous êtes comptable) et de ne pas signer les chèques. Enfin, il faut percevoir un salaire normal, correspondant à la fonction exercée, et en tout état de cause, au moins le Smic.

Le salariat peut être une formule particulièrement avantageuse en cas de maladie, d'accident de travail, de grossesse.

La conjointe perçoit, durant son congé maternité, des indemnités journalières qui peuvent représenter 100% de son salaire, ainsi que les congés maternité de 16 à 46 semaines selon les cas. En cas de maladie des indemnités maladie, ou indemnités accident de travail.

Il faut bien reconnaître qu'être salariée conduit à payer des cotisations importantes :

- 22% environ pour la salariée
- 45% environ pour l'employeur

Une salariée payée au Smic pour un temps complet revient à l'employeur à 20 500 € (135 000 F) par an.

### ***Le salaire est déductible des bénéfices imposables***

Salaire et charges représentent une somme rondelette.

Les charges sociales sont toujours intégralement déductibles des bénéfices imposables. En ce qui concerne le salaire, plusieurs situations sont à envisager. Si l'entreprise est soumise à l'impôt sur les sociétés, vous pourrez déduire intégralement le salaire de votre conjointe dès lors qu'il n'est pas excessif.

Mais s'il s'agit d'une entreprise individuelle, d'une société en nom collectif, d'une entreprise unipersonnelle à responsabilité limitée (EURL), d'une SARL de famille ayant opté pour l'impôt sur le revenu, il n'est pas possible de déduire la totalité de cette rémunération sauf si vous êtes mariés sous le régime de la séparation de biens. Marié sous un régime de la communauté et non adhérents à un centre de gestion agréé, la déduction sera limitée à 2 592 € (17 000 F). Si vous êtes adhérents à un centre de gestion agréé, la limite est portée à 36 fois le smic mensuel.

### ***La conjointe salariée n'est pas responsable des dettes***

Dès lors qu'elle est salariée, la conjointe ne peut être personnellement inquiétée dans le cadre d'une faillite de l'entreprise. Mais, bien entendu, si l'entreprise individuelle dépend de la communauté, elle subira malgré tout la faillite puisque les créanciers peuvent se payer sur les biens de la communauté. Seul un régime de séparations de biens, ou la création d'une société séparant le patrimoine familial et biens professionnels, permet de protéger financièrement le conjoint. Il faut savoir toutefois, qu'en pratique, les cautions demandées aux époux rendent ces protections souvent illusoires.

Un décret du 31 juillet 1992 a prévu que lorsqu'un compte (même joint) alimenté par les salaires de l'épouse mariée sous le régime de la communauté est saisi par les créanciers, l'équivalent d'un mois de salaire est laissé immédiatement à la disposition de l'épouse salariée.

# **Le statut de la conjointe collaboratrice dans la pêche artisanale en France**

**Par Yvette DÉRU**

En 1996, le gouvernement français décide de préparer une loi d'orientation concernant la pêche et les cultures marines. Car certains textes régissant les entreprises et les professions maritimes ont besoin d'être réactualisés. Au même moment, grâce à un financement européen, les femmes de la pêche et de la conchyliculture travaillent sur ce projet de loi. Les femmes membres des associations du milieu maritime étudient et analysent le projet en discussion au sein de l'Assemblée Nationale.

Elles proposent six amendements à la loi qui concernent la fiscalité des entreprises, les collectifs d'employeurs ou encore l'économie du littoral. Les amendements proposés correspondent à la réalité des entreprises, des hommes et des femmes du milieu du secteur maritime. Mais un amendement émerge d'une manière plus forte : le statut de conjointe collaboratrice.

Notre action s'est donc centrée sur cette question. Presque toutes les femmes travaillent plus au moins pour le compte de l'entreprise artisanale de pêche et des élevages marins. Nous voulons faire reconnaître ce travail. Nous voulons obtenir une couverture sociale qui engloberait la sécurité sociale en cas de maladie, les accidents de travail, le droit à une retraite et enfin la formation. Les droits dont dispose toute personne considérée comme travailleur. Les femmes qui travaillent dans le commerce ou l'artisanat avaient droit à ce statut. La réduction des différents amendements a été faite par les femmes car certaines personnes avaient la compétence pour le faire.

Pour faire aboutir nos demandes nous avons rencontré les élus de toutes les familles politiques qui composent l'Assemblée Nationale, le Sénat, ainsi que les Ministres concernés par la loi et les Administrations qui encadrent nos professions. Dans ce but nous nous sommes déplacées à Paris et quand il était possible nous avons rencontré les ministres lors de leurs déplacements en province.

L'étonnement de nos interlocuteurs nous a fait comprendre que nous étions oubliées par le projet de loi. Notre intervention étant tardive il a fallu créer des articles spécifiques au projet de loi pour pouvoir intégrer nos revendications.

Le plus difficile pour nous était de convaincre nos conjoints, certains étaient sceptiques sur notre rôle au sein de l'entreprise. Mais un listage des tâches réalisées a vite renversé la situation en particulier pour les petites entreprises. Les représentants de la profession et les syndicats ont résisté le plus à nos revendications.

Nous sommes le relais à terre des entreprises de pêche.

La loi est débattue une première fois à l'Assemblée Nationale mais la dissolution de l'assemblée a reporté le vote à plus tard. Une fois la nouvelle assemblée élue, la loi d'orientation est votée à l'unanimité. L'amendement sur la mise en place d'un statut spécifique



aux conjointes collaboratrices figurait dans la loi. La mise en œuvre de cette disposition de loi serait fixée par un décret d'application qui n'a pas tardé à paraître.

### **QUI A DROIT AU STATUT :**

- la conjointe doit participer à l'activité de l'entreprise et elle doit être mariée
- le chef d'entreprise doit cotiser à la sécurité sociale de marins (ENIM)
- il doit posséder et être embarqué sur un navire de pêche doté d'un rôle d'équipage
- Ou rester à terre pour diriger son entreprise de pêche

### **LE STATUT RECONNAIT:**

- Le droit de représenter l'entreprise de pêche auprès des organismes financiers (banques, coopératives, etc.) et de se porter candidat à leur conseil d'administration.
- Le droit aux congés de maternité ou d'adoption : une allocation servie par la caisse Générale de prévoyance (CGP) de la caisse des marins (ENIM) pour la prise en charge partielle des frais liés à l'embauche d'un remplaçant (56 jours maximum)
- Le droit à la formation
- Le droit à une retraite personnelle de la conjointe collaboratrice

Deux options sont possibles basées sur le mode de cotisations choisi:

1<sup>ère</sup> option : cotisation personnelle de la conjointe à temps plein ou partiel sur la base de la 3e catégorie (possibilité de travailler à l'extérieur à temps partiel couvert par un régime social obligatoire)

2<sup>ème</sup> option : cotisation unique commune sur la catégorie de navigation du marin avec partage de la retraite sur la base de 2/3 pour le marin et 1/3 pour la conjointe Cette option concerne le marin travaillant seul sur son navire et ayant une conjointe qui se consacre exclusivement au fonctionnement de l'entreprise.

Le rachat de 8 ans antérieurs à l'adhésion au statut est autorisé. Ce rachat peut être financé par :

- la plus value réalisée sur la vente du navire pour les grandes entreprises de pêche artisanales
- les bénéfices réalisés par les entreprises (possibilité de plusieurs versements déductibles des impôts)

### **LES MANQUES DU STATUT :**

- le statut ne peut s'obtenir que sur la demande du mari
- la non reconnaissance de la maladie et de l'accident du travail (dans les petites entreprises, beaucoup de conjointes contribuent beaucoup pour réduire les frais et d'apporter une plus-value au prix du poisson par le biais de la vente)
- le rachat possible des 8 années antérieures à l'adhésion au statut n'est pas possible pour les toutes petites entreprises (leur chiffre d'affaires est trop faible pour générer des bénéfices).

- les cotisations sont trop élevées pour les très petites entreprises
- le choix de la retraite par partage entraîne une perte de 47 % du 1/3 du montant de la retraite du marin si la conjointe vient à décéder avant lui
- l'obligation d'être mariée alors que les statuts de concubines et de pacsées sont reconnus dans la vie civile.

## **SITUATION ACTUELLE ET EVOLUTION**

Malgré leur réelle participation à l'activité du bateau à terre, très peu de femmes ont adhéré au statut de conjointe collaboratrice. Il faut rappeler les difficultés financières de toutes petites entreprises de pêche qui ne peuvent pas cotiser pour ce statut. Le statut doit évoluer en prenant en compte les revendications des femmes, ce qui exige de la ténacité.

Les femmes ayant le statut de conjointe collaboratrice peuvent se présenter aux élections des organisations des hommes si leur époux ne souhaite pas se présenter. Les associations de femmes souhaitent modifier cette disposition et la remplacer par Monsieur et Madame, le couple doit être pris dans son ensemble mais avec une seule voix. Pour une meilleure continuité, il faudra intégrer le fait que les pêcheurs sont plus souvent en mer qu'à terre.

# **The legal status of fisherwomen in Finland**

Par Carina Rönn

## **INTRODUCTION**

What is a fisherwoman? There is no single definition of a fisherwoman, and depending on her type of work, she is covered by various laws and regulations in respect of social security. Although they are few in number, we do have some women in Finland who fish for a living. Usually these women go fishing with their husband, but there are also some who fish independently. However, traditionally the women dealt with the catch only after it was landed and assisted in repairing fishing gear. This remains the case today, especially in places where there is a shortage of other work. Women may also be involved in processing the catch, but nowadays many fishermen's wives have their own jobs outside the home.

Since fisherwomen are such a diverse group, I shall begin by describing the social-security arrangements applicable to professional fishermen/women in Finland. My description will focus on the pension system, health insurance and unemployment insurance, as well as describing the position of surviving relatives in the event of death or loss at sea. I shall also describe the social-security arrangements for fishermen's wives "working at home". My study focuses on the relevant laws and regulations.

First of all, let me introduce some key concepts. In the Nordic countries, our social-security system is residence-based. In other words, people's eligibility does not depend on their nationality. There are also Nordic and European conventions on social security covering all EU citizens and all citizens of the Nordic countries resident in Finland. People resident in Finland are covered too by a public health-insurance scheme intended to provide financial security for everyone in the event of illness.

The occupational pension system in Finland covers everyone who is in employment. Which of the nine occupational pensions acts is applicable depends on what type of contract you are employed under, or whether you are self-employed. Those not covered by the occupational pension's acts are entitled to a state pension.

Farmers, fishermen and reindeer herders (primary employment) are covered by the Agricultural Pensions Act. Fish farmers and fish processors are not part of this system, but are covered instead by the occupational pensions legislation applicable to other self-employed people.

## **FISHERMEN'S OWN RESPONSIBILITY FOR INSURANCE**

Fishermen who are self-employed must take out their own insurance for pensions, accidents and unemployment, while those who are employees are covered by the same system as other people employed under a contract.

Fishermen in Finland are covered by the Agricultural Pensions Act (LFÖPL). The compulsory LFÖPL insurance scheme includes accident insurance (OFLA). A fisherman or family member employed in the business is required to hold LFÖPL insurance if he/she is aged between 18 and 64 and the value of his/her work or earnings is at least €2,628 per annum. The insurance scheme therefore covers all fishermen aged 18–64, their wives or partners, and working members of the family business. People not covered by the compulsory insurance requirement may join the scheme voluntarily. The LFÖPL insurance scheme will pay fishermen in Finland sickness or incapacity benefit, rehabilitation allowance, disability pension, early-retirement pension, part-time pension, unemployment pension, early old-age pension or standard old-age pension. The scheme also includes family pension entitlement for surviving relatives and group life-insurance cover.

As well as fishing, LFÖPL applies to activities such as fish treatment (gutting, salting, and smoking), repairing and maintaining fishing gear, and marketing the catch.

### **IN THE EVENT OF ILLNESS OR ACCIDENT**

All residents of Finland are insured under the Health Insurance Act, which entitles them to reimbursement of the costs of necessary medical treatment, a daily allowance in the event of incapacity for work, and maternity, paternity and childcare allowances. The body that handles payment of these benefits is called the Social Insurance Institution of Finland.

Fishermen's own statutory insurance for occupational accidents covers accidents sustained in the course of fishing work and ill health attributable to occupational factors where this entails costs or a reduction in capacity for work. Fishermen may also take out similar cover for their leisure activities. Medical costs are reimbursed in full, and an allowance is payable if the injury leads to a reduction in capacity for work for at least three days, up to a maximum of one year. Entitlement to the allowance starts on the day after the accident, and the allowance is payable for each weekday. If capacity for work is reduced (by at least 10%) for more than a year, an incapacity pension is payable for, as long as the incapacity persists. If an accident is fatal, dependants receive a family pension and funeral allowance. The surviving spouse and any children under 18 always receive a pension. In some cases, pension entitlement may be extended to a cohabiting partner, or to children aged 18–24 who are in education or unfit for work. The total amount of a family pension is normally a maximum of 70% of the deceased's annual earnings.

Under the statutory national pension and health-insurance scheme, people aged between 18 and 64 are entitled to a disability pension if their capacity for work is permanently reduced through illness. For a full disability pension to be payable, capacity for work must be reduced by at least 60%.

If a fisherman falls ill, sickness allowance is payable under the statutory occupational insurance scheme (LPA) during the qualifying period for sickness benefit under the national health-insurance scheme. If the illness persists beyond this time, LPA sickness allowance ends and the Social Insurance Institution of Finland begins paying sickness benefit. LPA sickness allowance is payable in respect of each weekday with effect from the fourth day of illness.

## **OLD-AGE PENSION AND EARLY PENSIONS**

In Finland there are two complementary pension systems: the state pension and the occupational pension. The normal retirement age is 65. Fishermen are covered by the Agricultural Pensions Act, which provides them with the statutory occupational pension. Self-employed people can also receive a state pension, depending on how much they receive in occupational pension. The size of the occupational pension depends on the length of time and amount of income for which the fisherman was insured. Each year's working income is reflected in the amount of occupational pension.

The pensions system includes several options for fishermen to draw an early pension. Anyone aged 60 or over can draw an early old-age pension, and some fishermen are among those who take advantage of this option. The early old-age pension is less than the standard old-age pension and remains so even beyond the age of 65. A part-time pension, for those who have stopped working full-time, is available to fishermen under certain conditions from the age of 56. From the age of 58, it is possible to obtain an individual early-retirement pension if you have been diagnosed with an illness that has reduced your capacity for work.

## **LOSS AT SEA AND DECLARATION OF DEATH**

Declaration of death means that a person who has been missing for a long time may be declared dead by a court, even though it is impossible to ascertain the medical cause of death. The court ruling issued with the declaration of death must also specify the date and time at which the person is believed to have died. Following declaration of death, the person loses the legal rights to his/her property, an inventory of the estate can be made, and legal matters concerning the family and inheritance resolved.

In normal cases, a missing person is declared dead after ten years. Earlier declaration of death is possible if there were life-threatening circumstances surrounding the person's disappearance. In Finland such persons are declared dead after three years.

A working group has now issued proposals to accelerate the process of declaring a person dead in Finland. Fisherwomen welcome this move, which is something for which we have been campaigning. We now have to make sure the proposals are translated into reality. Under the working group's proposals, a missing person should be declared dead after five years, the three-year waiting period is to be reduced to one year, and it should be possible to declare a person dead without delay if that person was involved in an accident which entailed direct risk to life, such as a shipwreck.

When a person goes missing, the surviving relatives have to deal with a variety of financial and practical issues, such as pension rights, life and boat insurance, banking affairs and loans, and the possible sale of joint property. There may also be problems in obtaining passports for under-age children and in other similar matters where the signatures of both spouses are required.

Existing legislation on pensions and accidents permits the payment of benefits to the family members of a person who has not been declared dead but in all probability can be assumed dead. These benefits are granted for a set time, usually until formal declaration of death is possible. Entitlement to a family pension is effective from the day after the person dies or goes missing, but the first payment is not made until at least three months after the probable date of disappearance. Likewise, the group life-insurance policy (part of the statutory

insurance scheme) will pay out after three months. However, insurance payouts are always contingent upon a police investigation. Compensation under the group life-insurance policy is in the form of a one-off payment. The younger the deceased the greater the amount.

If a person has been lost at sea, it is likely that the vessel too has been lost. If the vessel can be located and confirmed wrecked, the insurance policy will pay compensation. If the vessel is not located, an insurance claim is still possible but more complicated, and there is likely to be a substantial delay before the claim is paid. In such cases, insurance companies are required to base their decision on police investigations and verification of the course of events.

Under Finnish law, one spouse may not, without the consent of his/her partner, transfer or convey any joint property that is classified as a permanent residence or essential work equipment. The courts may, however, grant an application for transfer on the grounds of the other spouse's absence, for instance. The law on legal guardianship in Finland was amended with effect from 1 December 1999 and the powers transferred to magistrates. Magistrates can now appoint a trustee to look after a specific matter such as the sale of property.

It is also possible to obtain passports for minors, but with a limited period of validity. This option may be used if the other guardian is unable to give his/her consent for reasons of illness, absence or similar.

However, a marriage remains valid until the spouse is declared dead, and the inventory of the estate will not have effect until the date of the formal declaration of death.

## **UNEMPLOYMENT INSURANCE**

In Finland there is no specific unemployment-insurance scheme for fishermen. As self-employed business owners, they can join the scheme for this category, but this is not designed around the special needs of fishermen, so membership is really of little benefit. Provided they meet certain conditions, fishermen can claim unemployment benefit and also an unemployment pension after the age of 60. To be entitled to this benefit, a fisherman must have paid regular occupational pension contributions for at least two years on an annual income in excess of €4,800, wind up his business and register as unemployed.

We do not have any system of wage guarantees for fishermen or any statutory right to compensation in the event of a fishing moratorium.

## **STATUTORY SOCIAL SECURITY FOR FISHERMEN'S WIVES**

In Finland, the spouses of fishermen/women must take out their own LFÖPL insurance if they take part in fishing or associated activities (e.g. treating the catch, repairing fishing gear, marketing), irrespective of whether they receive a wage, provided their earnings or the estimated value of their work exceeds €2,628 per annum. If the value is lower, they can take out insurance voluntarily. This insurance provides them with benefits in old age and in the event of incapacity for work, unemployment, or death. In the event of illness, it also entitles them to sickness allowance. The amount of benefit or pension payable depends on their working income.

If someone insured under the LFÖPL scheme dies a natural death, the surviving spouse (widow or widower) and any children under 18 can draw a family pension. If the children are

over 18, the surviving spouse's own income will affect the amount of pension. The value of this pension is usually less than the pension that would be payable following a fatal accident.

## **SUMMARY**

In general, the statutory occupational pension and accident-insurance scheme is regarded as a good and generous system compared with that for other business owners. The annual premium is around 10% of taxable net income. What is desirable is improvements in unemployment protection, especially in the event of a fishing moratorium or other limitations.

There are problems with the system, but these are due more to the people using—or rather failing to use—the system. The amount payable in accident compensation, sickness allowance and future pension depends on how long you have been insured and the size of your working income throughout the period of insurance. Many fishermen fail to consider this, preferring to pay as little as possible. For this reason, fishermen usually receive low pensions and low amounts in sickness allowance. The other problem is that a fisherman's wife is not insured even though she is entitled to be.

## **ENTITLEMENT TO TRAINING**

In Finland there is a professional body that provides basic training in fisheries. However, most of those who become fishermen have no vocational training, but have simply inherited their trade from their father and grown into it.

There are no formal further-education courses in fisheries available to fishermen, but a wide range of courses are offered in a variety of subjects. The organization that I work for has always arranged courses, and in recent years I have run several training projects funded by the EU. PESCA funding was used extensively to provide training for fishermen. One reason for organizing such courses is to comply with the requirements arising from changes in legislation, for example on safety at sea and hygiene standards.

I am not going to talk about entitlement to training where fisherwomen are concerned, since everyone is entitled to take part in the courses on offer. Whether or not women take part depends entirely on the subject in question. However, it is legitimate to ask whether the training on offer reflects the needs or interests of fisherwomen. I would say that very little training is based around the needs of fisherwomen.

## Irish fisherwomen legal status

Par Joan O' Doherty

As Ireland is only, constitutionally speaking, 80 years young, its law is embryonic. It is not unusual to discover English Acts still governing many aspects of our lives. Membership of the EU, however has forced many changes in our country and this is most evident in social legislation. However, we have still a long way to travel.

There is considerable ambiguity about and not least with the financial institutions. In my own case it was the bank which insisted in my name being on all bank loans for our vessel, yet my name does not appear on the mortgage documents.

### **Social welfare.**

In Ireland, since the 1800's at least there has been a lack of clarity regarding the status of a fishermen never mind the status of his wife. In 1893 there was a court case which ruled that a share fisherman was an employee. Later that ruling was overturned and so it has gone on to this day. One court case taken, one court case over-turned. In recent times there has been the Mc Loughlin case 1986, the Griffiths case 1992 and the latest in this saga was the Griffin case in October 2001, when once again, previous rulings, by Social welfare officials that fishermen were employees, were thrown out and the court ruled that share fishermen are partners in a joint adventure

'The three key test are :

- Is each trip a separate venture with no (contract-based) right to participate in subsequent trips?
- Is pay not a wage, but a share of the net profits (if any) arising?
- Is pay determined not solely by the vessel owner, but by a combination of custom and agreement between crew in consultation with the owner?

If the answer to each of these questions is yes, it is likely that the crew-member is not an employee but a self-employed member of a partnership.' (Revenue statement March 2002)

That should have been that but on these court cases rest rulings for Tax purposes and Health and Safety purposes. After the 2001 case, the Griffin case, the tax man stepped in and said fine, your workers are share fishermen. The law now interprets that as meaning that they are partners which means that they are entitled to a share of the capital allowances. This sent boat owners scurrying for cover. It is still early days, but some boat owners have deemed their workers employees. This means that their workers must have written contracts and accordingly are entitled to all the laws governing workers, i.e. redundancy payments, notice etc. For many this was preferable to workers claiming their proportion of capital allowances and other such fringe benefits, such as fuel rebates.



A share fisherman is now regarded as self employed and a partner governed by the 1890 Partners Act unless he or she has a written contract. For those with a written contract their employer pays an A class stamp.

Benefits for employees (A stamp)	Benefits for self employed (S stamp)
Unemployment benefit	Widow/widowers (contributory)pension
Disability benefit	Orphan's (contributory) allowance
Maternity benefit	Old age (contributory) pension
Retirement benefit	Maternity benefit
Adoptive benefit	Adoptive benefit
Treatment benefit	Bereavement grant
Orphan's (contributory) allowance	
Old age (contributory) pension	
Invalidity pension	
Health and Safety benefit	
Death grant	
Widow/widowers (contributory) pension	

Anecdotically, the majority of Irish fishermen in Ireland today are on S stamp or no stamp at all, while the foreign fishermen such as Russians and Polish fishermen are on contracts and so are on A stamps which mean that Russian and Polish fishermen in Ireland have more benefits and protection in Irish law than do Irish fishermen. There is currently no mechanism in place which would enable the figures of fishermen on S stamp or A stamp to be extracted. There is no way of knowing how protected or how unprotected Irish fishermen are.

Now if the situation is so confusing for the fisherman what is it for fisherwomen.

Some social background: Up until 1972 a woman had to give up her work on marriage, if she worked for a State or semi-State organization. It was only in 1982 that a man could no longer sue for damages, any man, with whom his wife was having relationships, even though adultery was not a criminal offence. Divorce was only legalized in Ireland in 1997.

A husband, regardless of whether he is a fisherman or a doctor, cannot employ his wife. That applies to a sole trader and to a sole director of his company. Under social welfare law there must be a master servant relationship and it is deemed that there can never be a master servant relationship between husband and wife. Only if he does not have a controlling interest in the company may he employ his wife. Lets take sex out of this. In Irish law if a female doctor wishes to employ her husband to assist with her practice she cannot insure him. If she merges her practice and loses her controlling interest in the practice then she may employ her husband. So as far as Irish Social welfare law is concerned an Irish fishermen's wife can work 24 hours per day and never be regarded as a worker in her own right. She has no pension rights, no unemployment benefits only those basic state benefits which are means tested.

An Irish women working for her husband cannot be regarded as self employed and is not eligible to even take out self employment stamps. Accordingly she will not be entitled to a

pension, in her own right. She can only benefit from those state provisions which are means tested.

However, all is not gloom and doom. New legislation was introduced recently, to cover the homemaker. Under it, any person, who gives up work to look after a child under 12 years of age, will be granted credits. This means that their work insurance will not be disturbed because of the 12 years taken off. So as long as a fisherman's wife keeps having children under 12, she is free to stay at home, assist with the business and be regarded as a person in her own right. For those of us who operated like this before this new legislation was introduced and operated retrospectively to 1994, I am afraid that when it comes to pension time, we are on our own. And into the future, the current generation of fishermen's wives had better be careful because when their last child reaches 12 years of age, either the husband's business had better have increased in size to become a company where the husband does not have a controlling interest or like my generation she too will have greatly diminished rights when it comes to state benefits and in particular the old age non contributory pension.

In Ireland our fishermen need special recognition in law and then and only then may those of us who assist them be recognized as full participating citizens.

## **Program and participants**

# **Program of the first Workshop of FEMMES project held in Brest (France) from the 20<sup>th</sup> to 22<sup>nd</sup> Feb. 03: "Women and Private space"**

[www.fishwomen.org](http://www.fishwomen.org)

**Thursday 20 from 9:30 to 17:30 Women and their role within the enterprise**

**9:30-10:00 :**

- Presentation of the participants
- Short introduction of the projet FEMMES by Katia Frangoudes

**10:00-11:00 :**

***The participation of women in production (chairwoman Katia Frangoudes)***

Isabel Perez Fernandez (Galicia)

Gaëlle Maltret (France)

Camilla Osterman (Aland Isles, Finland)

Pencha Raposo (Galicia)

Dolores Bermudez Rodriguez (Galicia)

11h00-11h30 : Coffee Break

**11:30-12:00 :**

***Women in the construction and mending of fishing nets (chairman José Pascual)***

Valbarena Trigo Duran (Galicia)

Isabel Perez Fernandez (Galicia)

Maria Eugenia Cardoso (Portugal)

**12:00-12:30 : Discussions**

12h30-14h : lunch

**14:00-15:45 :**

***Women involvement in enterprise management (chairwoman Joan O'Doherty)***

Sherryl Murray (Cornwall)

Lena Talvitie (Finland)

Clarisse Serrao (Portugal)

Liliane Carriou (France)

Ruth Buchan (Scotland)

***Women in the commercialisation of the seafood products (chairwoman Joan O'Doherty)***

José Alberto De Santiago Meijide (Galicia)

Christine Blanchard (France)

Rosa Dias (Portugal)

***Discussion***

15h45-16h00 : Coffee Breack

**16:00–17:30 :**

***Discussion (continued)***

***Women and the property of production tools (chairwoman : Carina Rönn)***

Marie Ange Durand (France)

Lena Talvitie (Finland)

Sherryl Murray (Cornwall)

***Discussion***

**Friday 21<sup>st</sup> from 9 to 17:15**

**9:00-10:45 : Diversification of activities within the family (chairwoman : Ch. Escallier)**

Christine Blanchard (France)

Sally Barnes (Ireland)

Agneta Jansson (Finland)

Dominique Riquiero (France)

Raymonde Marrec (France)

***Discussion***

10:45-11:00 : Coffeee Breack

**11:00-12:30 :**

***Formation: (chairwoman : Christine Escallier)***

Ruth Buchan (Scotland)

Janick Moriceau (France)

Camilla Osterman (Aland Isles, Finland)

***Discussion***

12h30-14h00 : Lunch

**14:00-15:45 :**

***Women's legal status (chairwoman : Michèle Pendelièvre)***

Yvette Derue (France)

Carina Rönn (Finlande)

Cristina Moço (Portugal)

Joan D'Doherty (Irlande)

***Discussions on legal status***

15h45-16h00 : Coffee Breack

**16:00-17:15 :**

***Discussion on legal status (continued) and final discussions (chairwoman : K. Frangoudes)***

**Saturday 22 : excursion to Guilvinec city (South Brittany) main artisanal fishing harbour**

Departure at 9 am from the hôtel Océania

Arrival at Guilvinec at 10:45

Visit of the Centre of Maritime fishing “Haliotika” and discussion with representatives of local fishermen organisation (René Pierre Chevert, secretary of the Local Committee of Fisheries (CLPM) in Guilvinec).

12:30-14:00 : Lunch in Guilvinec

14:00-16:00 : Visit of one processing factory created by a fisherwomen. It constitutes a good example of diversification of family activities.

Arrival in Brest at 17:30

Dinner at the hôtel Oceania

Hôtel Océania

82, rue de Siam, 29 200 Brest

tel: +33 2 98 80 66 66

fax: +33 2 98 80 65 50

Meeting place :

CEDEM / Faculté de droits et de sciences économiques

12, rue Kergoat, Bâtiment B

C.S. 93837

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Fax : +33 2 98 01 69 35

## List of participants to the Brest Workshop

### SPAIN

Pencha **RAPOSO**

Jefa de Servicio de Fomento de Organizaciones Sectoriales - Consellería de Pesca

Jose Alberto **DE SANTIAGO MEIJIDE**

Cofradía de Pescadores "San Antonio" de Cambados

Valbarena **TRIGO DURAN**

Cofradía de Pescadores "San Antonio" de Cambados

Isabel **PEREZ FERNANDEZ**

Cofradía de Pescadores "San Antonio" de Cambados

Dolores **BERMUDEZ RODRIGUEZ**

Agrupacion de Mariscadoras de Camarinoas

Ana Maria **GARCIA CRUZ**

Lawyer at Xunta de Islas Canarias

Gloria Esther **CABRERA SOCORRO**

José **PASCUAL**

Depto. Prehistoria, Antropología e Historia Antigua

Universidad de La Laguna

### FINLAND

Lena **TALVITIE**

Fisherwomen association of Ostrobothnia

Carina **RÖNN**

Österbottens Fiskarförbund,

Agneta **JANSSON**

fisherwomen

Camilla **OSTERMAN**

Aland Fisherwomen Bratö

## FRANCE

Raymonde **MARREC**  
Association AGECO

Christine **BLANCHARD**  
Comité Local de Pêches Maritimes et des élevages Marins de Port Vendres

Liliane **CARRIOU**  
2FM (Fédération de Femmes du Milieu Maritime)

Marie Ange **DURAND**  
FETEM

Yvette **DERU**  
Association Femmes entre terre et mer Concarneau FETEM

Gaëlle **MALTRET**

Sonia **BOURHIS**  
Femmes entre Terre et Mer

Yvonne **GUICHARD-CLAUDIC**  
Sociologue Université de Brest

Janick **MORICEAU**  
CEMPAMA (Centre de Formation)

Marie-Christine **THEURKAUFF**  
Ministère de l'agriculture de la pêche et des affaires rurales

Françoise-Edmonde **MORIN**  
Association des Femmes du littoral de Basse Normandie

Michelle **PENDELIEVRE**  
Femmes entre terre et Mer / Bretagne

Dominique **JEANNES**  
Conseillère Régionale à la région Bretagne

Katia **FRANGOUES**  
CEDEM / UBO

Nicolas **RONCIN**  
CEDEM/ UBO

Dominique **RICHERO**  
Association professionnelle des conchylicultrices du bassin de Marennes Oléron



## **IRELAND**

Joan **O'DOHERTY**

Sally **BARNES**  
Woodcock Smokery

Sylvie **MURPHY-CORLAY**

## **PORTUGAL**

Christine **ESCALLIER**  
Universidade de Madeira

Cristina **Moço**  
Mutua dos Pescadores

Inacia Maria **QUINZICO**  
Mutua dos Pescadores –Dependencia Nazaré

Clarisse **SERRAO**  
Mutua dos Pescadores – Dependencia do Norte

Rosa **DIAS**  
Matosinhos

Maria Eugenia **CARDOSO**  
Sindicato dos Pescadores do Centro

Anabela **BENTO**  
Sindicato dos Pescadores do Norte

## **UNITED-KINGDOM**

Sherryl **MURRAY**  
The Fishermen's Association Ltd Women's Group / Cornwall

Ruth **BUCHAN**