



Fairness In Fishing

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Social Justice

Increased social justice is one of the 5 outcomes for seafarers that we are aiming to achieve within The Seafarers' Charity's 'Thrive' strategy.

Increased social justice is defined within the strategy as:

'Seafarers and their families have access to welfare services and programmes that are responsive to the unique needs of working at sea and provide support during retirement. This includes respect for diversity and cultural differences, reducing the fear of bullying or harassment, and supporting human rights. We will deliver this through access to services and outreach programmes, as well as diversity and inclusivity. We will encourage understanding of the concept of human rights at sea.'

The Seafarers' Charity is committed to supporting Fairness in Fishing and calls on all who care about the UK fishing industry to support decent work, fair pay, and respect for the human rights of all who work in UK fishing.

Established Standards

Most fishing vessels in the UK operate under the UK Ship Register which is managed by the Maritime & Coastguard Agency (MCA). It claims "a reputation for maintaining the highest international standards".ⁱ Standards are upheld and enforced through MCA carrying out surveys and inspections of fishing vessels compliance with legislation.

In 2019 the UK ratified the International Labour Organization Work in Fishing Convention No.188ⁱⁱ ([ILO C188](#)). It is designed to protect the safety and welfare of all engaged in fishing – whether they be owners, share fishers or contracted crew.

ILO C188 establishes minimum standards relating to recruitment, employment and living and working conditions onboard fishing vessels. It includes entitlement to written terms and conditions of employment (a Fisherman's Work Agreement), decent accommodation and food,

medical care, regulated working time, social protection, repatriation and health and safety onboard.

Survey of Working Conditions in UK fishing

In 2021 The Seafarers' Charity partnered with the University of Nottingham's Rights Lab to carry out a [research survey](#) aimed at better understanding the reality of working conditions for fishing crew across the UK. The survey was open to all crew working in the UK fishing fleet including the local workforce as well as those from overseas, share fishers as well as contracted employees. The survey began in June and concluded in October.

The intention was to gather additional information on working life for crew beyond the perspective of skippers and vessel owners whose views are regularly captured by Seafish in their Annual Economic Fleet Survey.

The survey was available in 5 of the most common languages spoken by migrant workers, as well as English. See the [survey questions](#).

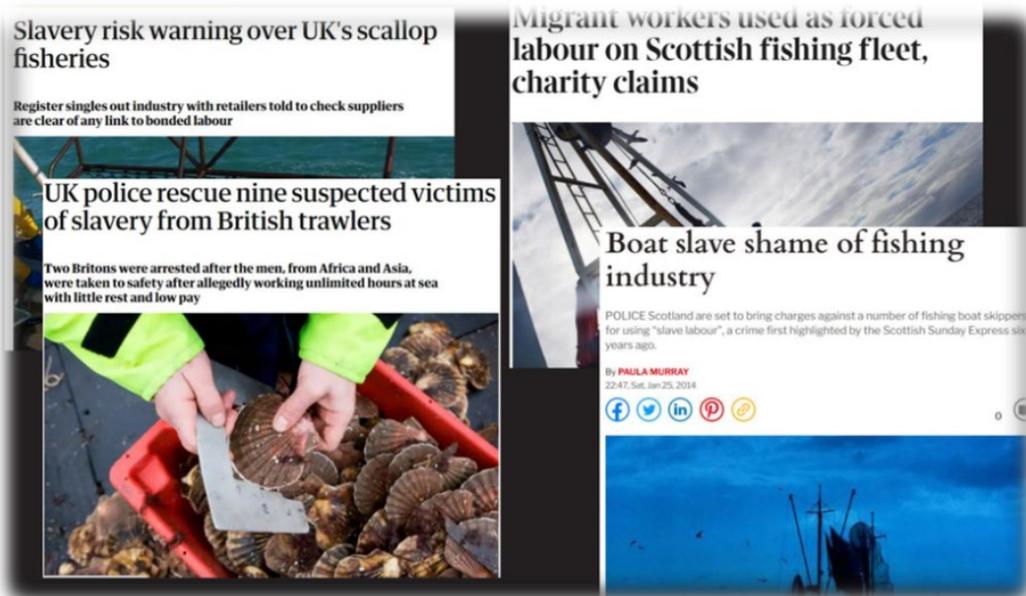
Migrant Labour in UK Fishing

The most significant findings from the research survey were in respect of the work experience of migrant workers in UK fishing.

Difficulties in recruiting local crew has led to the recruitment of migrant crew from outside the European Economic Area (EEA) on long-term employment contracts. Migrant workers in UK fishing are predominantly from countries such as the Philippines and Ghana. There are also crew from Indonesia, India, and Sri Lanka.

The use of low wage labour from developing countries occurs in many industries which may experience labour shortages. However, it can also be part of a reliance on migrant labour as a measure to help reduce labour costs and increase profits. In some parts of the global fishing industry there appears to be a race to the bottom in respect of wages and working conditions for crew.

Some of the most extreme human and labour rights violations have been documented in fishing industries in other parts of the world. Unfortunately, the UK is not immune. Over the years there have been reports of forced labour and slavery within the UK fishing industry.



Evidence of Labour Abuse in UK Fishing

The findings from the University of Nottingham Rights Lab research survey have been published in a research report entitled '[Letting Exploitation of the Hook? Evidencing Labour Abuses in UK Fishing](#)'.

The research evidence is compiled from 108 surveys and 16 interviews from fishing crew in England, Scotland, Wales, and Northern Ireland.

The research identified problems which range from the systematic labour exploitation of migrant workers to working conditions that are not in line with the requirements of the International Labour Organization Work in Fishing Convention No.188. It also revealed shocking incidences of abhorrent, and illegal treatment, of migrant workers in the UK fishing industry.

Most migrant fishers surveyed reported working excessive hours in violation of ILO C188 with pay substantially less than domestic and EEA fishers. In effect creating a two-tier workforce.

Key research findings include:

- 35% of fishing crew in the study reported suffering regular physical violence.
- However, 65% stated they would never report a grievance out of fear of being blacklisted from future employment opportunities.

- 19% of those included in the research would qualify as probable cases of forced labour when applying the International Labour Organization's guidelines in the [Forced Labour Convention](#). while an additional 48% reported potential cases of forced and compulsory labour.
- 60% of surveyed crew reported working a minimum of 16 hours per shift and 1/3 reported working more than 20 hours per shift. Additionally, 30% reported that they never received 10 hours of rest. Because they are required to stay on board the vessel while in port, another 25% reported that they never receive 77 hours of rest in a 7-day period because they are required to clean and repair the vessel, take the gear off the vessel, or mend nets on their days "off" in port.
- Non-EEA migrant fishers reported making as little as £400 per month and up to £1,500 per month with only a select few stating they receive catch-based cash bonuses.
- The average amount of debt incurred to work in the UK was approximately £1,800 despite ILO C188 prohibiting fishers from incurring placement fees.
- 100% of non-EEA crew within the research study experienced immigration related vulnerabilities caused by the use of a 'transit visa' which places them at increased risk of labour exploitation. Transit visas are used by seafarers travelling to reach their departing ship and are unsuitable for workers based within the UK as lacking many basic labour protections in respect of pay and working hours.

Multiple narratives of extreme violence also emerged, with one fisher describing being beaten while the skipper's son yelled racial slurs and two fishers reported graphic and extreme sexually violent acts.

The personal testimonies, evidence and reports shared by migrant workers and documented in the research are concerning to everyone who cares about the UK fishing industry. No worker should expect to endure mistreatment, abuse, and degradation of their labour rights. Even one incident of physical abuse is one incident too many.

Factors Enabling Labour Abuse

Incidents of labour abuse are usually hidden, and personal testimonies are rare. There are a number of factors which enable incidents of labour abuse to be concealed:

- Incidents may occur within ports or far out at sea and are unseen by those not directly involved.
- Fishers are a disparate and dispersed workforce which lacks collective organising power and a strong representative voice to raise awareness and speak up about issues affecting workers on fishing vessels. There is no representative body to represent the interests of workers on fishing vessels.

- Workers fear blacklisting from future employment opportunities if they raise a grievance.
- Migrant workers fear risks to their immigration status and potential for deportation.
- Migrant workers do not know who to trust.
- The widespread use of transit visas to bring migrant workers to the UK acts to increase their vulnerability to the risk of abuse as it does not provide any worker protections and instead creates a precarious employment and immigration status.
- The transit visa restricts an employee to a single named vessel. This means they are unable to leave an exploitative work environment without putting their immigration status in the UK at risk.

Transit Visas

The [International Transport Workers' Federation](#) have published a [technical briefing](#) which explains how [transit visas](#) for seafarers create the conditions that enable labour abuse.

The briefing is titled '[One way ticket to labour exploitation: How transit visa loopholes are being used to employ migrant fishers on UK fishing vessels](#)'. It explains how transit visas are designed for seafarers to travel from a UK airport to reach a port and their departing ship. As such they are not intended for long-term stays within the UK and lack many basic labour protections in respect of pay and working hours and access to health care and social protections that are available to workers in the UK.

Fishing crew are eligible for a [skilled-worker visa](#). This visa affords the protections that workers in the UK expect in respect of national minimum wage, working hours, and other social protections.

The use of transit visas to recruit and employ migrant workers in fishing exploits a lack of legal clarity in UK immigration law. Under the requirements of a transit visa migrant fishers are required to work "wholly or mainly" beyond the 12 nautical mile boundary. However, as this is neither quantified nor defined, it is open to interpretation. Such lack of clarity makes enforcement difficult.

The research from the University of Nottingham Rights Lab found that 18% of migrant fishers reported being forced to work on a vessel not named in their contract. Because the transit visa scheme ties them to the vessel named in their contract, when this situation occurs, migrant fishers are again in violation of immigration laws through no fault of their own

Migrant workers employed via a transit visa experience a precarious and vulnerable employment and immigration status. In practice this means migrant fishers are unduly treated as violators of UK immigration law even when other parties are responsible for the illegal nature of their migration, recruitment, and work. As a result, they are intimidated and prevented from

seeking help, can be denied access to medical care and insurance if injured or compensation for the family if killed, and can be denied the right to repatriation if “caught.” Their precarious immigration situation means they are vulnerable to threats of deportation for immigration offences if they express a grievance.

UK Fishing at a Crossroads

The UK is an island nation with a proud fishing heritage stretching back over many generations. It is now at a crossroads. Through employing migrant crew on a transit visa some operators have been able to lower their operating costs significantly, compared to vessels employing crew on a fair and legal basis. The question now is - does the UK fishing industry tolerate a drift into the adoption of poor, and at times, illegal labour practices seen in some parts of the global fishing industry? Or does it uphold the standards of the UK Flag and ILO C188 to ensure decent working conditions in UK fishing?

Government has an important role to play in ensuring that the existing legislation designed to protect workers in fishing is upheld and enforced. This is not just MCA, there are a number of Government departments with responsibilities. They will need to work together to close existing enforcement gaps and legislative loopholes.

The fishing industry is responsible for ensuring poor labour practices do not become established as a norm, as to do so has potential to cause significant damage to the reputation of the UK fishing industry amongst consumers who care about supply chain ethics.

Government and industry must now work together to ensure that ILO C188 is appropriately enforced and upheld for everyone working within the UK fishing industry to ensure decent working conditions now, and, for future generations. Decent works means fairly paid, productive work carried out in conditions of freedom, equity, security, and human dignity.ⁱⁱⁱ

How to Tackle and Prevent Labour Abuse in UK Fishing

There are a number of actions that can be taken if concerned about poor treatment, labour abuse or potential exploitation of fishing crew around the UK coast.

1. Understand the Signs of Forced Labour

The [Gangmasters and Labour Abuse Authority](#) have information to help you identify the signs of forced labour - <https://www.gla.gov.uk/who-we-are/modern-slavery/who-we-are-modern-slavery-spot-the-signs/>

2. Call the Police if Criminal Activity

In an emergency, a call should be made to the police on 999 and 101 if not an emergency.

3. Report Concerns to Maritime & Coastguard Agency

The MCA have a simple [online form](#) that can be used by anyone, even crew themselves, to report concerns about:

- Welfare, food and living conditions for crew
- Minimum wages, pay, work contracts, rest periods and working hours that are below the minimum required under the Work in Fishing Convention (ILO c.188)
- Safety and health for the crew on board a vessel

Reporting an ILO 188 incident to the MCA

This form is for reporting ILO 188 Work in Fishing Convention incidents to the MCA. The MCA will use this information to keep a centralised record of incidents and where necessary may share the responses with other government departments (Border Force, Home Office, Department for Work and Pensions) and/or police authorities. The responses to this form will be securely kept in the MCA Office 365 environment for a period of five years.

If you would like to know more about how the MCA handle your personal data and your rights please see our Personal Information Charter - <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>.

If you have any queries please contact our Seafarer Living and Working Conditions Policy Manager on Sophie.Peacey@mca.gov.uk

* Required

1. Are you reporting an incident on behalf of an organisation? *

- Yes
 No

Reports can be made anonymously or with contact details so that you can be informed about any follow up actions.

4. Modern Slavery

The Modern Slavery Helpline is 08000 121 700

More information - <https://www.modernslaveryhelpline.org/>

5. Charity Support

Migrant Help UK support victims, are able to advise migrants. They are able to offer help in a variety of languages: <https://www.migranthehelpuk.org/>

Additional Information

[This is an article published by The Guardian](#) on 17 May 2022.

[This is a press release from The Seafarers' Charity](#) in response to the research.

[This is a press release from University of Nottingham.](#)

Next Steps in Achieving Fairness in Fishing

In June 2022 The Seafarers' Charity and others will publish a response to the research report which will set out some recommendations and solutions aimed at tackling and preventing labour abuse in UK fishing.

ⁱ UK Ship Register <https://www.ukshipregister.co.uk/about-us/uk-flag-advantages/>

ⁱⁱ Sparks, J. D. (2022) Letting exploitation off the hook? Evidencing labour abuses in UK fishing. University of Nottingham Rights Lab.

ⁱⁱⁱ ILO (2020) Input of the International Labour Organization for the background note for the High-Level UN Conference to Support the Implementation of SDG 14, Lisbon 2 – 6 June 2020. <https://www.un.org/sites/un2.un.org/files/ilo.pdf>

