

BRIEFING PAPER

A ONE WAY TICKET TO LABOUR EXPLOITATION

**HOW TRANSIT VISA LOOPHOLES ARE
BEING USED TO EXPLOIT MIGRANT
FISHERS ON UK FISHING VESSELS**



ITF

THE INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF) IS A DEMOCRATIC, AFFILIATE-LED FEDERATION OF TRANSPORT WORKERS' UNIONS RECOGNISED AS THE WORLD'S LEADING TRANSPORT AUTHORITY. WE FIGHT PASSIONATELY TO IMPROVE WORKING LIVES; CONNECTING TRADE UNIONS AND WORKERS' NETWORKS FROM 147 COUNTRIES TO SECURE RIGHTS, EQUALITY AND JUSTICE FOR THEIR MEMBERS. WE ARE THE VOICE OF THE ALMOST-20 MILLION WOMEN AND MEN WHO MOVE THE WORLD.

CONTENTS

SUMMARY	05
INTRODUCTION	06
WHY THE UK FISHING INDUSTRY CONTINUES TO USE THE SEAFARERS TRANSIT VISA	08
OTHER FACTORS AFFECTING MIGRANT FISHERS' WELFARE	17
CONCLUSIONS AND RECOMMENDATIONS	20
ANNEXES	22
REFERENCES	34

ONE WAY TICKET TO LABOUR EXPLOITATION:

HOW TRANSIT VISA LOOPHOLES ARE BEING USED TO EXPLOIT MIGRANT FISHERS ON UK FISHING VESSELS

THIS BRIEFING IS FOR BOTH IMMIGRATION AND FISHERIES POLICYMAKERS IN THE UNITED KINGDOM (UK). CURRENT RULES ARE RESULTING IN MIGRANT WORKERS IN FISHING BEING DISCRIMINATED AGAINST, PAID POORLY AND, IN SOME CASES, BEING EXPLOITED AND ABUSED.

THE UK IS A G7 COUNTRY WHICH FIRMLY ALIGNS ITSELF WITH INTERNATIONAL LAW PROTECTING WORKER RIGHTS. YET FISHERS FROM OUTSIDE THE EEA FIND THEMSELVES BEING TREATED UNFAIRLY BY FISHING VESSEL OWNERS COMPARED TO BRITISH AND OTHER EUROPEAN FISHERS WORKING ALONGSIDE THEM IN THE INDUSTRY.

URGENT REFORM OF THE WAY THE SYSTEM WORKS IS NEEDED. SPECIFICALLY, WE NEED TO CLOSE THE TRANSIT VISA LOOPHOLE.

SUMMARY

Transit visas are the starting point for the labour abuse of migrant workers working in the UK fishing industry. This type of visa is intended to allow seafarers from other countries to board ships in UK ports that then depart into international waters.

Fishing vessel owners have been allowed to misuse this visa in employing migrants, taking them fishing into international waters (more than 12 nautical miles from the UK coast) to fulfil the transit requirements but then bringing them back to a UK port to live on board the fishing vessel. They argue they are allowed to do this under current rules but, at best, it is a loophole that needs closing.

Its quick and easy for the owners to use this system, but the fishers are not really in transit. The visa allows them to work in the UK for up to a year, during which time they are usually confined to living and working aboard a fishing vessel as it goes in and out of UK ports between fishing trips.

Fishing vessel owners can threaten migrants with being thrown off their boats. At that point, the transit visa no longer applies, and the UK authorities would treat them as illegal immigrants. Owners exploit the uncertainty around immigration rules to keep workers under their control.

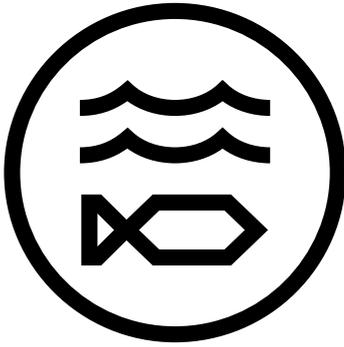
The uncertainty puts too much power into the hands of fishing vessel operators. They treat migrants as less-than workers, paying them poorly compared with UK/European fishers on the same vessels and making them live on vessels that are not intended for long-term accommodation. Again, the requirement of a contract with a stated monthly salary for the transit visa enables this labour exploitation.

The use of transit visas is the starting point for a cycle of abuse that cannot be tolerated any longer. Changing the system to close the loophole will be a major step in protecting worker rights.

We believe fishing vessel that operate from UK ports should fall under the same immigration rules that apply to any other UK employer. The fact that they move outside territorial waters periodically should be irrelevant to the way workers are treated.

Some fishers are already defined as *skilled workers* under UK immigration rules and so there should be no barrier to legitimate employers bringing in migrant workers.

If the use of transit visas were to be reformed, this would go a long way towards protecting migrant workers from the abuse they currently experience when working on UK fishing vessels and afford them the same rights and protections that as any other worker employed in the UK.



INTRODUCTION

The use of transit visas for migrant fishers working on UK vessels is resulting in human and labour rights violations. The ITF receives reports from migrant fishers suggesting that there is systematic labour exploitation.¹ For some in the industry, transit visas are a stepping off point to avoiding giving workers decent pay and working conditions.

Transit visas are a loophole in the system that directly results in the ongoing abuse of migrant fishers. The visas represent a critical point in a system. But they were intended for seafarers in transit – allowing them to briefly visit the UK so they can work aboard a ship which quickly proceeds into international waters. This type of visa was never meant to be used for fishers living and working in the UK.

For more than 15 years, transit visas have been a starting point for some owners to coerce and control migrant fishers. It is long overdue that loophole is closed.

Workers end up being unsure about their immigration status when transit visas are used, and that gives rogue employers a lever with which to manipulate them. A transit visa only gives a fisher the right to work on one particular vessel. This effectively wipes out their right to withdraw their labour or go to work for a different employer.

Migrant workers experiences and working lives on UK fishing vessels are not the same as that of UK nationals. News articles detail exploitative and inadequate working conditions, and human rights abuses including:

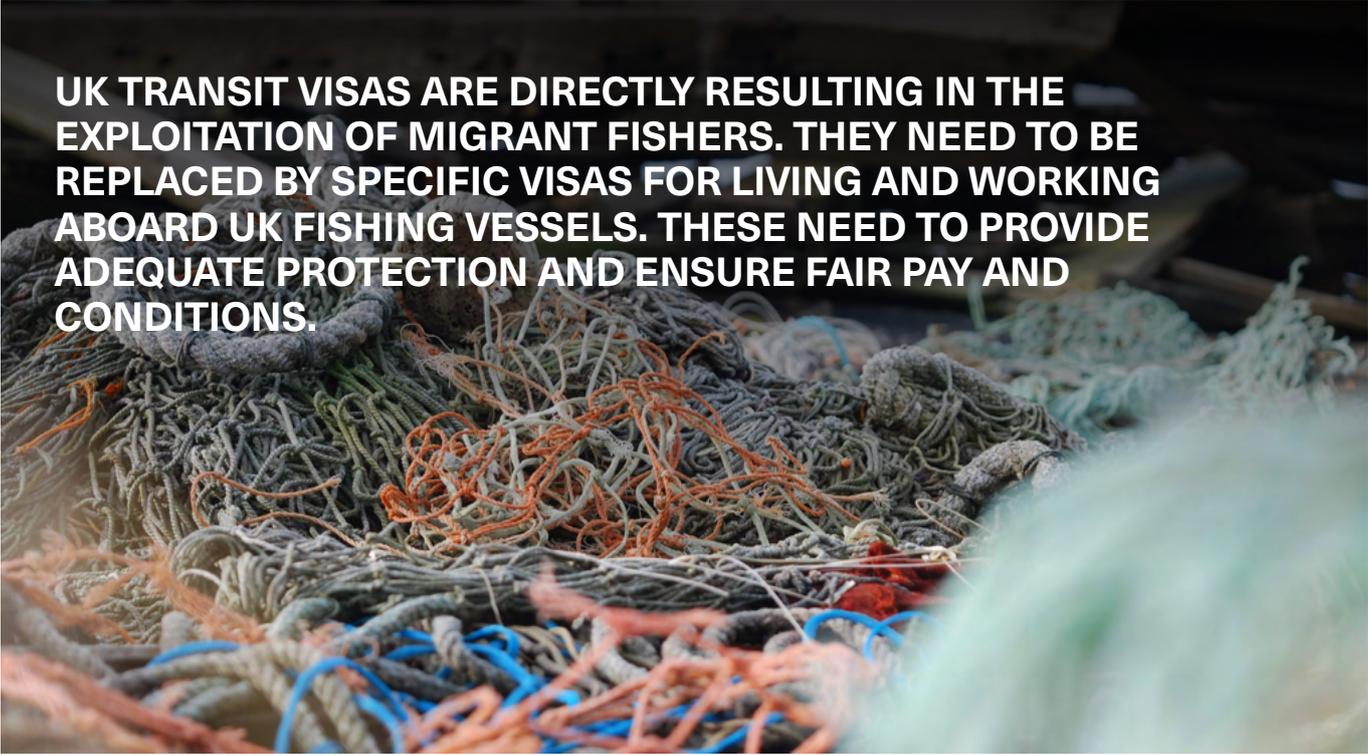
- Forced labour.
- Human trafficking and modern slavery.
- Physical and verbal abuse.
- Complete disregard for legitimate contracts.
- Poor living conditions aboard many fishing vessels.²⁻⁷

Safety standards for migrant workers on UK fishing vessels are also a major concern. Fishers fear blacklisting or deportation and so do not report safety issues or accidents at sea.^{8,9}

The National Crime Agency, which fights serious and organised crime in the UK, has raided a few fishing operators. This has revealed a number of cases of where migrant fishers have tried to escape from appalling working conditions. NCA reports suggest some fishers earn as little as £100 for ten weeks' work. There is evidence fishers have been paid as little as £3 per hour.¹⁰ The UK minimum wage is £9.18 an hour but employers dodge that pay requirement by arguing they work in international waters and are not bound by UK employment rules. These rogue employers are using transit visas to avoid paying a decent wage.

In 2014, the UK Human Trafficking Centre revealed 74 potential victims of exploitation in the Scottish fishing sector. Scallop fisheries were identified as being at particularly high risk. In 2018, every case of modern slavery in the UK fishing industry related to victims who arrived on seafarers' transit visas.^{11,12}

Twenty years ago, the UK fishing industry mostly employed local fishers from the UK and nearby European Economic Area (EEA)



UK TRANSIT VISAS ARE DIRECTLY RESULTING IN THE EXPLOITATION OF MIGRANT FISHERS. THEY NEED TO BE REPLACED BY SPECIFIC VISAS FOR LIVING AND WORKING ABOARD UK FISHING VESSELS. THESE NEED TO PROVIDE ADEQUATE PROTECTION AND ENSURE FAIR PAY AND CONDITIONS.

countries. There was a well-established 'hard work, fair rewards' culture with pay relating to the size of the catch.

Now, the sector survives by routinely underpaying migrant fishers. Migrants don't get paid according to the 'share of catch' system. **They're not even being paid the UK minimum wage.**

This has led to discrimination. Fishers from the UK and EEA still get the lucrative share of catch. Migrant workers get contracts that only stipulate a monthly wage – usually around £1,000 per month. This is only a fraction of what local crew working on the same vessel are paid. It's clearly unfair.

Through the use of transit visas, the UK fishing industry has come to rely on undercutting wages, labour standards and working conditions for migrant, non-EEA crew on transit visas.

The loophole enables the exploitation, but this mode of operation is socially and economically unsustainable. The UK's transit visa system must be reformed to protect and meet the needs of all fishers in the industry.

The UK fishing industry is increasingly bridging the gap between its costs and its income through the exploitation and suppression of a migrant workforce too intimidated to speak out.

Transit visas can be replaced in a number of ways so that fishers' pay and working conditions can be improved and regulated:

- Skilled worker visas.
- Work permits specifically for fishing crew.
- Applying the UK national minimum wage and providing access to medical care.

In this report, we explain how the transit visa loophole works, why it exists, who benefits and who suffers. We recommend urgent actions the UK government must take to clean up the industry, protect migrant fishers, and uphold the principle of British standards in British waters.

It is time for the UK Government to step up and finally close this exploitative loophole.

WHY THE UK FISHING INDUSTRY CONTINUES TO USE THE SEAFARERS TRANSIT VISA

UK law is clear that fishers working *wholly or mainly* in the UK's territorial waters (out to 12 miles) are entitled to the same rights and working conditions as all other workers in the UK. Fishers working in the UK are usually paid according to the 'share of catch' system (which is seen as a way to ensure fairness for the workers) or are now eligible for a skilled worker visa. A freedom of information (FOI) request submitted as part of this research revealed no skilled worker visas have been used to employ non-EEA or EEA fishing crew on UK vessels.

For the skilled worker visa, employers must meet certain conditions – at the very least they need to pay the UK minimum wage and provide workers with access to healthcare and the other benefits. These laws apply to all fishers, regardless of passport. English language requirements for safely operating at sea are a potential barrier to their use, which is why reforms are needed to ensure the conditions are fair and the language requirements reflect the safety needs of working at sea.

The law is not clear when people are *technically working outside of the UK* for immigration purposes. We believe that fishers who operate in international waters (more than 12 miles out) but who return to UK ports should also be afforded the rights, protections, pay and conditions of UK employees.

The loophole Westminster forgot to fix: why it exists

Since 2008, the UK fishing industry has had to look beyond its own and EEA citizens for fishery workers. Transit visas became a convenient way to employ non-EEA crew because they allowed ship owners to cut labour costs as fuel prices rocketed.

This kind of visa was never intended for recruiting and employing *fishers working in the domestic industry and living on UK vessels, in UK ports*.

In 2009, the UK Government clarified that non-EEA crew working inside the 12 nautical mile limit were being illegally employed on transit visas. Instead, a temporary visa was issued from 2010 to 2012, to cover any inshore vessels using non-EEA crew.

This was meant to be a temporary fix but parliament never revisited the law. After 2012, it became unclear what the legal position was. Many fishing boat owners argued that they could continue to use transit visas because they were operating beyond the 12-mile limit.

This lack of clarity directly resulted in workers being denied basic rights. We need a permanent solution urgently.



However, fishing vessel owners are exploiting a lack of legal clarity to bring in workers to whom they deny basic rights. They argue that because they mainly operate beyond UK territorial waters, UK law does not apply to them. This is a morally repugnant argument.

Seafish has stated: “Workers on vessels that operate mainly outside the 12nm limit (territorial waters) need permission to enter the UK to join the vessel, but they do not need permission to work in the UK. Hence, non-UK crew on these vessels can be recruited on a transit visa rather than the Skilled Worker route”.¹⁵ They have also stated that: “Within the fishing industry, the arrangements mean UK vessels operating outside 12nm have been able to bring in non-EEA fishers without prior permission to work. This is a perfectly legitimate use of the immigration system.”¹⁶

Many vessels do operate in UK waters for some of the time – to land their catches, for instance. They use the country’s ports and marine services. But as well as avoiding paying decent wages, they dodge UK national insurance and taxes on those wages. Many do not even recognise the legal responsibilities that come with employing workers.

Fishing operators have been using the seafarers’ transit visa – a loophole that has been known about, but ignored for over a decade by regulators – to employ migrants to work on UK fishing vessels on exploitative, substandard conditions of employment.

WHAT IS THE SEAFARERS' TRANSIT VISA?

The seafarers' transit visa is a temporary visa that was designed for seafarers, not fishers, to transit within the UK so that they could join departing vessels in international shipping trades (not in a domestic industry).

The visa is specific and not available, or needed, by anyone except for international seafarers (those who are not UK nationals of from a country within the EEA).

The UK relies on the labour of fishers from the Philippines, Ghana and Indonesia but people from these countries have no automatic legal entitlement to work in the UK. A transit visa gives employers a legal loophole to get the workers they need. However, rather than transiting through the UK to join a vessel working in international waters, fishing vessel

owners are applying on the basis that their vessel operates '*wholly or mainly*' outside UK territorial waters (more than 12 nautical miles from shore). But this type of visa is not suitable for this, and its use leads to the exploitation of workers.^{17,18}

WHO IS A MIGRANT FISHER?

While fishers recruited from EEA countries do often engage with immigration processes, especially since Brexit, they are not generally employed using this seafarers' transit visa. For the purposes of this report we do not refer to them as migrant fishers. While we do not wish to minimise any experience of EEA nationals working in the UK fishing industry we want to focus on closing the transit visa loophole and the negative outcomes for fishers it creates. Therefore we use the term 'migrant fisher' to refer to non-EEA nationals.

When fishers working in the UK, aren't working in the UK

Non-EEA nationals need a visa and work permit if they work "*wholly or mainly*" in the UK. But UK law is unclear about what "wholly or mainly" means.

This lack of clarity is allowing unscrupulous employers to make the case that migrant workers do not "wholly or mainly" work in the UK.

They take this as licence to deny migrant fishers the pay, rights and conditions afforded to UK workers. The definition of "wholly or mainly" is at the heart of the transit visa loophole.

Fishing vessels pass from UK territory (and laws) to international waters at 12 nautical miles from the coast.

Although fishing vessels moor in the UK and pass through the 12 miles zone to fish offshore, owners claim migrant crews are *only resting* and not working when in UK territorial waters.

For safe crewing of a vessel this cannot always be the case. We know from speaking with crew that they are routinely directed to perform work while the vessels are in port, including maintenance, catch processing, and cleaning the vessel.

There is effectively no threshold between the current transit visa loophole and the need for a UK work permit.

The ITF suggests that 70 percent of the time a fisher works for a vessel owner must be outside the country's territorial waters, for them avoid being considered *wholly or mainly* employed in the UK.



WHY DO VESSEL OWNERS USE THE SEAFARERS TRANSIT VISA?

The seafarers' transit visa has advantages for vessel owners in comparison to other visa routes they could theoretically use:

- **It's fast** and can be done before arrival or simply through a stamp at the airport on arrival.
- **It's easy** as nobody checks what happens to workers afterward they join their fishing vessel.
- **It's cheap** as classifies migrant fishers as working in international waters and so they do not have to be paid at the same rate as UK and EEA fishers.
- It gives owners the **power to control** workers using uncertainly about the immigration rules to apply pressure

HOW THE LOOPHOLE WORKS

If a seafarer intends to work on a vessel starting in the UK but sailing into international waters, they apply for a transit visa before they leave home or as they arrive in the UK.

A Border Force official will grant the visa if they are satisfied that the applicant meets the legal requirements. Seafarers are only authorised to be in the UK for up to seven days as they transit to their ships.

Officials apply the rules to fishers in the same way. These migrant workers also cannot remain in the UK after the seven-day period yet often they have year-long contracts and would be expected to go in and out of UK territory to land catches. However, technically they only re-enter the UK if they go ashore.

Employers thus confine migrant workers to the fishing vessel for the whole period of their contract.¹⁹⁻²² In working the system, fishing vessel owners are grossly violating the rights of migrant workers.

The UK urgently needs to reconsider how it regulates immigration for fishers as the current system is leaving these people open to abuse.²³

WHAT ARE THE CONSEQUENCES?

We don't have to look far to see evidence of exploitation and the impacts it has. Articles detailing the exploitation and abuse of migrant fishers fill our newspapers with increasing frequency. The stories tell of:²⁴⁻³¹

- Inadequate working conditions
- Human rights abuses
- Forced labour
- Human trafficking and modern slavery
- Physical and verbal abuse
- Breaches of
- Poor living conditions
- Poor safety

Owners can misuse the power they have over migrant fishers to pay them less for doing the same work. Fishers are trapped on vessels by immigration rules, and as a result they have no right to withdraw labour or move to a different employer.

They also have no access to health care or benefits because the visa they are on envisages them leaving the UK within seven

days of arrival. Often, they are denied annual leave and are coerced into working long hours, and because they are trapped on board, any time not working would be rest rather than holiday. Fishers can request shore leave from immigration authorities, but only with the cooperation of the boat's skipper.

Decent work means decent and productive employment, access to social protections, respect for fundamental labour standards and strong dialogue between workers and employers. Many migrant workers are denied this and exposed to labour and human rights abuses simply because the UK Government is allowing employers to carry on using the transit visa loophole.

CREWING AGENCIES

Vessel owners take advantage of the confusion that transit visas create. This confusion is made worse because many migrant fishers are employed through crewing agencies rather than directly by the fishing vessel owner. Transparency is often lacking in recruitment done this way, and contracts are often changed to the detriment of the fisher. Illegal and fraudulent recruitment and placement may be leading to human trafficking and forced labour.³²

The UK Human Trafficking Centre revealed 74 potential victims of exploitation in the Scottish fishing sector in 2014, with scallop fisheries identified as particularly high risk. In addition, in all cases of modern slavery cases in Scotland and England in 2018, all victims arrived on seafarers' transit visas.^{33,34} Key to this systematic exploitation are the provisions and restrictions inherent within UK transit visas which support and enable the exploitation of migrant fishers.

IMPACTS OF THE USE OF TRANSIT VISAS

The pervasive use of seafarers' transit visas makes migrant fishers vulnerable. As soon as they have 'left the UK' (been on one fishing trip outside the 12-mile limit) they are no longer considered in transit. When they return to port, they are not technically in the UK because they have not come ashore. This situation is exploited by owners to pressure migrant crew into working days off, when in port and when they are supposed to be resting. These things all increase the risk of accidents at work.

01. Immigration status is attached to individual vessels rather than the employers.

Migrant crews are expected to live and remain onboard these fishing vessels for the duration of their contracts (usually around 10-12 months). While they are actually living in the UK on board these vessels, they are *treated as being in transit* and therefore have limited access to healthcare. Most fishing vessels are poorly equipped for living on year-round, which raises serious welfare concerns. This also excludes migrant fishers from many UK employment law protections.

Restricted immigration status, and the invisibility of being on board vessels at sea, increase the vulnerability of crew to various forms of coercive control and exploitation. As a result, non-EEA migrants' experiences differ from other UK crew, for example via threats of reporting the migrant fishers to immigration authorities and their resulting treatment under *hostile environment* policies.³⁵

Non-EEA migrant fishers are also made vulnerable by the transit visa system that:

- Links their immigration status to a single, named vessel.
- Limits their freedom of movement.
- Makes raising complaints difficult.
- Prevents them from changing employers.³⁶

Their employer has too much control, potentially forcing fishers to accept working conditions they otherwise would not, out of fear of losing their job and wages, becoming unlawfully present in the UK, or being barred from returning to work in the UK.

Some vessel owners have misused transit visas to intentionally force fishers to work on vessels different, and often less safe to operate, than the ones named on their original transit visa. In other cases, the power imbalance has led to human trafficking, modern slavery and forced labour.

When cases of abuse, exploitation and harassment of fishers does occur, the UK's grievance procedures make it nearly impossible for these victims to voice their complaints.³⁷

In its treatment of migrant workers, especially those exploited year after year in the UK fishing industry, the UK continues to oversee a broken system that is geared to fail victims.

1. The MCA have instigated a Voluntary Code of Practice for Employment of Non-European Economic Area (EEA) Fishing Crew, originally produced by the Scottish fishermen's federation (SFF) in consultation with the fish industry safety group (FISG). The Voluntary Code of Practice was produced for the fishing industry in the hope of avoiding further workplace fatalities from occurring on vessels. As with all voluntary codes or standards this is optional and was developed with vessel owners rather than crew. The necessary changes with regards to safety and suitability of accommodation on board should not be voluntary and should be developed in-line with the requirements of C188. It was not originally intended to govern how vessel owners ought to provide living accommodation for long periods of time with very basic cooking, washing, heating and sanitary facilities requiring those who have to live aboard to "make do" in conditions which may pose undue risks to their safety.



02. A two-tier labour system – unequal pay for equal work

'Share of catch' fishing is the traditional business model in fishing, designed to unite the crew and the skipper in a common endeavour so each person on board shares the risks and rewards involved. Most UK and European workers (92%) employed in UK fisheries are paid by crew share.³⁸

Proceeds from the catch are used to cover expenses and what is left is shared between the owner, skippers and crew using a pre-arranged, often hierarchical, formula. This is the norm in UK fishing. Share fishers, as defined by HMRC,³⁹ are not employed under a contract of service and have a unique form of self-employed status for taxation purposes (even if they regularly work for one skipper on one particular vessel).⁴⁰ The International Labour Organization (ILO) *Work in Fishing Convention, 2007* (C188) approaches this problem by making the existence of a contract for every fisher obligatory (a 'fishermen's work agreement', or FWA) to ensure greater transparency in the method of calculation of crew members' share by ensuring that the

share is formalised and agreed in writing before any fishing trip commences.⁴¹

In contrast to UK and European fishers, non-EEA migrants in the UK are paid a weekly or monthly wage. Due to their visa regulations, non-EEA migrant workers are not allowed to work on a share basis and are obliged to have fixed wages in their contract.⁴² In practice, this means they earn much less than the domestic fishers, even when doing the same work, on the same vessel. An equal share of the revenues would be the fairest distribution of wages.⁴³

Vessel owners make more profit paying migrant workers poorly, when compared to hiring crew on a share of profit. Earlier research has shown the average pay migrant fishers are receiving is £1000 per month or less, far below UK national minimum wage. A typical fishing trip requiring a 16 hour, seven-day week at that rate equates to £3 an hour.

The exploitation of migrant workers is affecting UK employment. If a fishing vessel owner can hire a migrant at £3 an hour, why would they consider employing local workers?

Skippers interviewed see themselves as benevolent, saying they are lifting migrant families out of poverty. Equally shared endeavour and risk, which the share system follows, has now shifted to a two-tier system with a waged migrant under-class. Local share fishers are paid based on the catch, can leave the vessel and have a very different working experiences than non-EEA crew.

03. The hostile immigration environment puts migrant fishers at risk of exploitation

The absolute control employers have over migrant fishers' living and working conditions makes non-EEA crew vulnerable to coercion, excessive working hours and abuse. Recent research has shown skippers and owners do not want to take responsibility for this treatment and are in denial about how differently UK and migrant crew members are treated. Barriers to safeguarding non-EEA fishers through protective legislation alone were also identified.⁴⁴

In the UK, The *Modern Slavery Act 2015* and the *Immigration Act 2016* attempt to protect migrant workers from exploitative labour practices – **but linking illegal working and labour market enforcement means the Immigration Act serves mainly as migration control and criminalises those working in violation of immigration rules. It increases their vulnerability.**

Legislative protections fail to protect workers who voluntarily submit to exploitative conditions or fail to report abuse, meaning migrant workers in hyper-precarious and hyper-dependent employment, such as is the case on board fishing vessels where the migrant workers both live and work and are bound to remain because of their contract and transit visa, are consequently more willing to suffer in silence and endure exploitative practices.⁴⁵

04. The use of transit visas has been a proven tool for trafficking Ghanaians and Filipinos from the UK into the Republic of Ireland

Trafficking for forced labour has historically been a threat for Filipinos, Indonesians, Indians and Ghanaians recruited for work in UK and EU fisheries. It remains a threat.⁴⁶

In recent cases, workers were trafficked through an agency appearing to operate in the Philippines, but actually based in the UK, hindering law enforcement in the home country. Filipino fishers have experienced forced labour and human trafficking during recruitment as defined by the ILO, including indebtedness and deceptive recruitment and in the case of fishing.⁴⁷

The ITF has been involved in five cases where Ghanaian fishers who entered the UK on transit visas were subsequently smuggled into the Republic of Ireland via Northern Ireland. Four of these fishers were subsequently admitted to the Garda Síochána's referral mechanism for human trafficking in 2018.⁴⁸ The fifth case arose in 2021.

Separately, the ITF have been involved in several cases of Filipino fishers who likewise entered the Republic of Ireland via this method (on transit visas) over the last decade. . In one of these cases the judge gave the vessel owners a 'fools pardon,' placing the blame on the crewing agent.⁴⁹

The ITF believes the abuse of migrant workers is a significant problem based on the cases that it deals with directly and others that it monitors. However, there is no official data perhaps because the transit visa system expects subjects to quickly leave the UK or potentially because collecting information on migrants is not deemed to be a priority. Authorities, fishing sector federations and organisations do not even count how many migrant workers arrive in the UK this way.



WHAT OTHER OPTIONS ARE AVAILABLE TO UK VESSEL OWNERS TO RECRUIT FISHING CREW?

Fishers are not considered skilled enough for the post-Brexit points-based immigration system, and the UK does not have a suitable route for lower-skilled workers from outside the EEA because free movement from the EU to date previously ensured a sufficient supply of these workers from the EEA. But Filipino crew, for example, are recognised as professional, skilled and committed within the sector.⁵⁰

Deckhands on fishing vessels of over nine metres, with over three years' experience are eligible for skilled worker visas although they have not been added yet to the UK's Shortage Occupation List (SOL) – which specifies which jobs have insufficient resident workers. To qualify, their employer must offer a salary above £25,600, or a lower salary of £20,480 for a 'new entrant' (under age 26). Their pay must also be at least £10.10 per hour. These changes took effect from 6 April 2021.^{51,52}

A FOI (Freedom of Information) request submitted as part of this research revealed no skilled worker visas have been used to employ non-EEA or EEA fishing crew on UK vessels.

OTHER FACTORS AFFECTING MIGRANT FISHERS' WELFARE

International conventions

By allowing the continuing use of transit visas, the UK government is failing in its obligations under the international labour convention C188 which is designed to protect fishers. The UK has ratified C188.

The abuses happening right now to migrant fishers, directly linked to the use of transit visas, means the UK is in flagrant violation of the convention. Only a change in UK immigration law will bring the country into line. For more, see Annex 1.

Failure to enforce the UK *National Minimum Wage Act* and contributions to National Insurance

There is uncertainty as to whether transit visas stop fishers from living or even going ashore. Fishers have no frame of reference to dispute it and must rely on advice or instruction from their vessel owner or skipper.^{53,54} Neither may have the fishers' best interests in mind, leading time and time again to precarious working conditions.^{55,56} Employers are flagrantly breaking the law by disregarding fishers' rights and protections, such as to the National Minimum Wage.⁵⁷

The migrant fishers whose work sustains the UK fishing industry should have always been paid in line with the country's National Minimum Wage Act 1998. To avoid any doubt about the applicability of the national minimums, the government introduced the *National Minimum Wage (Offshore Employment) (Amendment) Order 2020*. This regulation includes all seafarers (using a definition which includes all fishers and other employees) 'working on vessels in UK waters'.⁵⁸

If a vessel dips in-and-out of UK waters, then the ITF's proposed formula for determining whether fishers are working 'wholly or mainly' in UK waters, is that if any less than 70% of their time is spent working outside UK territorial waters, then they are 'working in the UK' and the National Minimum Wage rates should apply (See Annex 2).

Failures of regulatory bodies in fishers' home countries

Transit visas are used mostly by vessel owners to recruit and place fishers from Ghana, Indonesia and the Philippines. These have different regulatory approaches, none of which meet the requirements of C188. This adds to the confusion for fishers and plays further into the hands of exploitative owners. For more on this see Annex 3.

Points that require legal clarification:

Transit visas are the starting point for exploitation of migrant fishers that increase the vulnerability of an already marginalised group of workers to abuse. If UK government

and its agencies were able to clarify some the following points, the welfare of fishers would be better served, and it may bring the UK back into compliance with C188. We should start by clarifying the following six points.

<p>01. 'Wholly or mainly' Home Office 2020 guidance note version 3.0⁵⁹</p>	<p>We need to know how to define whether a vessel is operating 'wholly or mainly' within UK territorial waters.⁶⁰</p> <p>A specific and regulated threshold would provide a clear limit for Border Force to apply the rules (the ITF suggests 70% of time needs to be spent in international waters).</p>
<p>02. Can fishing crew change vessels? Home Office 2020 guidance note version 3.0⁶¹</p>	<p>Code 7 is the immigration term for the transit visa. The contract is with the employer who needs to notify the immigration authorities if crew members are moving to a different vessel. There is no clarity on what would happen if a fisher wanted to move to a different employer, for example in the instance that their original employer went bust.</p>
<p>03. Using a transit visa, a fisher must satisfy Border Force that they do not intend to base themselves in the UK Home Office - Section 8(1) of the <i>Immigration Act 1971</i>⁶²</p>	<p>The ITF argues that living on a UK-flagged fishing vessel for a year is the same as "basing themselves in the UK".</p> <p>Transit visas only apply if fishers are "intending to leave the UK at next sailing" enables return within a few days and to continue to do so for a prolonged period. The ITF view is that this should not apply to fishing vessels that leave UK waters and return after a period.</p> <p>These sections of the immigration Act (1971) should be revisited and clarified.</p>
<p>04. National Minimum Wage HMRC to enforce via MCA</p>	<p>National Minimum Wage must apply to migrant fishers regardless of whether they work mainly/wholly inside or outside territorial waters. All regulatory bodies, fishing federations and producer organisations must promote this.</p> <p>"Even if the ship works outside UK territorial waters or the UK sector of the continental shelf, the seafarer will be entitled to the NMW if they are 'based' in the UK or have a sufficiently 'close connection' with the UK. The 'basic pay' must be at least at the NMW level: it cannot be levelled up to that rate by including hours worked at an enhanced rate, such as for 'overtime' or 'time-and-a-half'." See Annex 2.</p>

<p>05. Statistics on migrant fishers</p>	<p>Confirmation of who is responsible for collecting data on the number of migrant fishers working in the UK between Border Force, MCA and MMO.</p> <p>This must include data on the current number of fishers on transit visas, and uptake of skilled worker visas.</p> <p>This data must also be shared effectively between agencies in line with GDPR requirement to enable effective regulation of immigration and taxation requirements to aid the protection of migrant workers. This information must also be publicly available on an anonymous and ongoing basis</p>
<p>06. Checks on crewing agencies in labour sending countries</p>	<p>Currently ILO C188 is not clear about how UK vessel owners need to check that crewing agencies in labour sending countries are regulated and licensed. It only says that it is their responsibility to check.</p> <p>This needs to be clarified urgently so that the MCA can effectively regulate crewing agencies in the UK and overseas.</p> <p>Clarification is required of the critical due diligence steps that UK vessel owners need to take to ensure labour sending country crewing agencies is regulated and licensed correctly.</p>

CONCLUSIONS AND RECOMMENDATIONS

The UK authorities need a better system to support migrant fishers working in its fishing industry. The current use of transit visas is resulting in fishers' being exploited.

Fishers who enter the UK on a transit visa immediately face problems. The vessel must leave UK territorial waters on the first fishing trip, but when it returns, they are technically (under immigration rules) re-entering the UK if they leave the vessel. Employers therefore prevent them from leaving. They effectively remain captive on the fishing vessel – an infringement of their human rights.

These workers are living and working in the UK as fishers and their immigration status should reflect that from the beginning. Transit visas are not a suitable approach for this type of worker.

Confusion in interpreting the transit visa rules is giving employers scope to mistreat migrant workers, paying them poorly, keeping them in terrible conditions and avoiding offering medical and other vital services. They use fear of deportation or blacklisting to keep fishers from speaking out. This is a direct result of the lack of clarity around the use of transit visas.

The UK must ban transit visas for migrant fishers and insist that employers treat these people fairly and decently. Enforcement agencies must clarify guidance and coordinate to ensure seafarer welfare is better protected.

PRIORITY RECOMMENDATIONS

There are a number of urgent recommendations which can be drawn from this research, that would improve legal clarity, enable better regulation and enforcement of immigration rules and protect migrant fishers without criminalising them.

01. Move from transit visas to a revised skilled worker visa.

This change must take in account the language requirements to safely work on a UK fishing vessel, which are different from other sectors. Deckhands on fishing vessels of over nine metres, with over three years' experience are eligible for skilled worker visas already, but to qualify, their employer must offer a salary above £25,600 (or £20,480 for those under 26). Pay must be at least £10.10 per hour.^{63,64} These financial requirements should not be used to force fishers to take on debt with their employer or agents.

This revised skilled worker visas must also enable migrant fishers to change employers/ vessels (removing a major source of vulnerability) and entitle them to access UK healthcare. This would also go some way to removing the current two-tier employment system by ensuring that migrant fishers are being paid the UK National Minimum Wage. After three months of employment, they would also have access to the NHS.

02. On UK flagged fishing vessels there should be a requirement to have a work permit/visa rather than a transit visa.

This would give migrant fishers the protection of UK employment law covering minimum wages, national insurance contributions, complaints procedures, shore leave, paid leave, medical care, and the ability to change employer. UK port authorities can enforce fishers' and seafarers' welfare rights under existing international conventions

03. Regularise and harmonise the migrant journey from different labour sending countries

Ensure that there is a consistent and enforceable route for migrant fishers into UK fishing industry, regardless of country of origin. This should include collaboration between the UK MCA and relevant authorities in the labour sending countries.

The following stages are critical:

- Stage 1 – planning to come
- Stage 2 – permission
- Stage 3 – visas should be under ETA – electronic travel authorisation
- Stage 4 – travel into UK
- Stage 5 – crossing the border.
- Stage 6 – living and working conditions
- Stage 7 – leaving and repatriation

For each stage it must be clear which government agency/body is responsible for compliance and enforcement and what rules apply to aid the prevention of future abuse. This must include the information provided on arrival in the UK regarding employment standards, working conditions, medical assistance, contacts with the ITF and grievance channels.

04. Reporting and data collection on migrant fishers working in the UK

Require the reporting, recording and collection of data on who is coming into the UK to work on UK fishing vessels. Data on what type of visa fishers are on and what they are being paid, as well as whether the contract meets the requirements of C188 FWA are critical. UK authorities should use this data to determine what percentage of migrant fishers are actually in transit versus those working/living on UK vessels.

The collection of this data will also aid collection of tax, and importantly, the protection of vulnerable and otherwise invisible workers who can currently easily disappear if problems arise.

05. Sponsorship and Tier 3 visa options to explore

Tier 3 visas, intended for lower-skilled work, have never been implemented in fishing but might provide a solution through sponsorship, and evidence that a potential UK fishing employer can demonstrate they can responsibly engage migrant labour. This would enable oversight and compliance, thus better protecting crew. The solution may go beyond Immigration Rules, as the Home Office did grant a policy concession between 2010 and 2012 (which enabled vessels fishing within territorial waters to engage non-EEA crew). A similar concession is currently in force for non-EEA nationals working on vessels involved in the construction and maintenance of offshore wind projects inside UK territorial waters.⁶⁵

ANNEXES

ANNEX 1: INTERNATIONAL CONVENTIONS

Work in Fishing Convention (C188)

When the United Nations' International Labour Organization (ILO) developed the *Maritime Labour Convention (2006, as amended; 'MLC')* setting maritime workers' minimum rights and conditions, its Governing Body was deliberate in drafting the Convention with seafarers working internationally in mind. They considered the fishing industry too different from seafaring to be included in the MLC, and instead preferred and recommended a separate convention to address the unique challenges encountered by fishers and fishing vessels.

The ILO *Work in Fishing Convention, 2007 (C188)* was developed and adopted to complement the MLC. It shares many of the MLC's features and is as a holistic approach to promoting decent working and living conditions for fishers. C188 introduces key principles but does not say how these should be implemented through specific regulations. In the UK, this has resulted in crewing agencies being poorly regulated, as well as fishers being routinely denied free access to ports.

C188 has been ratified by 20 countries (as of March 2022), including the UK, which made legislation to implement ILO 188 in November 2018, and ratified the Convention in January 2019.⁶⁶

C188 is intended to cover all aspects of fishers' living and working conditions, requiring certification for vessels that are over 24m and working outside 200 nautical miles.

When is a fisher a 'seafarer'?

While the ILO's Maritime Labour Convention (sometimes called 'the seafarers' bill of rights') does not require that a signatory state's MLC-compliant legislation covers both seafarers and fishers, countries still have the option to do so.

And many countries have, conferring on fishers the not insubstantial list of rights, rates and conditions found in the MLC.

While being covered by the MLC's provisions is a win for fishers and their unions (who have long been critical of the lack of attention paid to fishers' issues compared to those of their seafaring cousins), equality has mostly been achieved by lawmakers doing away with the distinct definition of fishers and instead expanding the definition of seafarer to cover both kinds of work.

The Philippines and Indonesia are two examples of MLC ratifying countries who have gone with this approach – with both positive and negative impacts for their nationals working in the UK fishing industry.

The Convention adopts port state control as a method of enforcement with a 'no more favourable treatment' principle. This ensures that fishing vessels registered in countries that have not ratified the Convention will not receive more favourable treatment than fishing vessels that fly the flag of countries that have.⁶⁷⁻⁷⁰ No more favourable treatment exists so that coastal states have the right to apply both the rights and principles of the Convention to fishing vessels under foreign flags that are fishing in the coastal states waters or on their licenses. The standards in the MLC have effectively been lowered in C188 and are less prescriptive.

No more favourable treatment exists so that coastal states have the right to apply the rights and principles of the conventions to fishing vessels under foreign flags that are fishing in the coastal state's waters or on their fishing licenses (or UK 'quotas').

C188 is one of three complementary United Nations' instruments to combat illegal and unregulated fishing around the world. The other two are the International Maritime Organization's (IMO) *Cape Town Agreement on Fishing Vessel Safety*, and the Food and Agricultural Organization's (FAO) *Port State Measures Agreement (PSMA)*.

Failure to uphold health and safety standards, and prevent risks to the environment

Another key instrument is the IMO's *International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel 1995*.⁷¹ Under this Convention and its associated Regulations that the UK has adopted to give effect to it, fishers are entitled to reasonable working conditions. The UK has a responsibility to give due attention to the crewing, navigation and watchkeeping of a vessel in order to ensure its safe operation.

There is no doubt that these 1995 standards are being broken almost every day as a consequence of mistreatment of overwork of migrant fishers at the hand of fishing vessel operators. Sleep deprivation, fatigue, inadequate crewing levels and insufficient rest times are all common complaints from migrant fishers in the UK, all fueled by the use of the seafarers' transit visa.

The ITF is clear in its warning: the UK risks its stranding as a maritime nation committed to safety at sea as well as its environmental credentials too, as long as it continues to send vessels out to sea operated by fatigued and overworked crew – accidents will increase.

What ILO C188 means for fishers in practice

C188 entitles all fishers to:

- written terms and conditions of employment
- regulated limits on working time

including, at the vessel owners' cost:

- decent accommodation and food
- medical care
- repatriation

- social protection (such as through unemployment insurance; or compliance with national schemes such as National Insurance in the UK)
- health and safety on board

But fishers are also required by C188 to have a valid Fishers' Work Agreement (FWA), or C188-compliant written contract of employment

For more information see C188, Article 16 –Annex 1.

Failure to reform immigration laws for fishers

Most seafarers are covered by section 8(1) of the UK's Immigration Act 1971 because they are in transit to join a ship or are in transit as part of a vessel's crew. Under the Act, on arrival in the UK seafarers must satisfy a Border Force entry clearance officer (ECO) that they:

- Have bona fide documentary evidence of identity and status.
- Are under contract to join, as a member of its crew a ship in UK waters and which is leaving UK waters.
- Do not intend to take other employment.
- Do not intend to base themselves in the United Kingdom.
- Intend to leave the UK on the next sailing.
- Are not a person whom any of the general grounds for refusal or leave to enter set out in Part 9 of the Immigration Rules apply.⁷²

UK authorities are not enforcing the employment contracts requirements of the transit visa. Under the rules, fishers from non-EEA countries are required to provide employment contracts with a single vessel in order to enter the UK.

Fisher's work agreement (C188 Annex II)

The Fishers' Work Agreement (FWA) shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable:

- (a) the fisher's family name and other names, date of birth or age, and birthplace;

- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work;
- (d) the name of the employer, or fishing vessel owner, or other party to the agreement with the fisher;
- (e) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (f) the capacity in which the fisher is to be employed or engaged;
- (g) if possible, the place at which and date on which the fisher is required to report on board for service;
- (h) the provisions to be supplied to the fisher, unless some alternative system is provided for by national law or regulation;
- (i) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
- (j) the termination of the agreement and the conditions thereof, namely:
- (i) if the agreement has been made for a definite period, the date fixed for its expiry;
- (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;

- (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the employer, or fishing vessel owner or other party to the agreement with the fisher;
- (k) the protection that will cover the fisher in the event of sickness, injury or death in connection with service;
- (l) the amount of paid annual leave or the formula used for calculating leave, where applicable;
- (m) the health and social security coverage and benefits to be provided to the fisher by the employer, fishing vessel owner, or other party or parties to the fisher's work agreement, as applicable;
- (n) the fisher's entitlement to repatriation;
- (o) a reference to the collective bargaining agreement, where applicable;
- (p) the minimum periods of rest, in accordance with national laws, regulations or other measures; and
- (q) any other particulars which national law or regulation may require.

Recommendations regarding the proper implementations of C188 and the MLC:

01. **C188 and the MLC requires that crewing agencies in the UK need to be properly regulated.** The capacity of labour inspectors to conduct inspections of crewing agents that recruiting migrant fishers needs to be increased. An entity from outside the UK must not be able to represent an employer in the UK, and liability under UK labour law must be the UK agent or vessel owner (not a private employment agency from overseas).
02. C188 requirements must be met as well as fishers' UK employment status (in terms of minimum wages and social security). **UK fishing companies must be required to send requests to the MCA if they want to employ migrant fishers and the MCA should require proof that C188 or MLC are being applied – with regard to working conditions including that National Minimum Wage.**
03. C188 is clear about the intent to formalise the employment relationship between the owner and the fisher. **Vessel owners must take responsibility in pushing for reforms to the visas issued for fishers working in the UK.**
04. Corporate due diligence and operational level-grievance mechanisms are inseparable, allowing for workers to be heard and have remediation and seafood buyers should leverage their business partners and suppliers to provide effective remediation for abuses of human rights. **Operational level-grievance mechanisms must be open and available for all migrant fishers working in the UK.**

ANNEX 2: NATIONAL MINIMUM WAGE SHOULD APPLY TO CONTRACTED MIGRANT FISHERS

The National Minimum Wage Act 1998 ('the 1998 Act', as amended, including by the Employment Act 2008 Act (the '2008 Act')) introduced a statutory right to be paid a certain amount of remuneration for work performed. Almost all workers in the UK are entitled to the National Minimum Wage (NMW) or the National Living Wage. Workers are defined in Section 54 of the 1998 Act.

Section 1 of the 1998 Act applies the minimum wage to a worker who 'is working, or ordinarily works' in the UK. Section 40 of the Act provides that a seafarer who works on a UK-flagged ship is to be treated as ordinarily working in the UK unless either their employment is wholly outside the UK, or they are not ordinarily a resident in the UK. From 1 October 2020, the NMW (Offshore Employment) (Amendment) Order 2020, comes into force. This extends the right to the NMW to all Seafarers and employed fishers working in the UK's territorial sea, regardless of where they ordinarily work or where a ship is registered. It will also apply to those working in the UK part of the Continental Shelf, including where the field crosses the UK boundary, and where the work is connected to UK activity on the Continental Shelf. The Order does not change the status of share fishers falling within section 43 of the National Minimum Wage Act 1998, who do not qualify for the minimum wage.⁷³

On 1 October 2020 the National Minimum Wage law was extended and now includes seafarers in UK territorial waters. By law, seafarers are entitled to be paid the UK NMW. This applies to those working in the oil and gas and windfarm sectors, ferries between UK ports, dredging and fishing (except share fishermen). It does not matter which country the seafarer lives in, where the ship is

registered or where the shipowner/seafarer's employer is based.

Even if the ship works outside UK territorial waters or the UK sector of the continental shelf, the seafarer will be entitled to the NMW if they are 'based' in the UK or have a sufficiently 'close connection' with the UK. The 'basic pay' must be at least at the NMW level: it cannot be levelled up to that rate by including hours worked at an enhanced rate, such as for 'overtime' or 'time-and-a-half'. The average gross pay over the pay reference period must be at least the NMW.

The following do not count towards the NMW:

- Accommodation and food at sea cannot count towards the NMW, this would breach the Maritime Labour Convention, 2006.
- Medical insurance, childcare vouchers, or employer's pension contributions.
- Costs of personal protective equipment (PPE), safety equipment and clothing, including foul weather clothing.
- Cost of uniforms.
- Tips, service charges or gratuities (this may assist seafarers working in the hospitality departments on ferries or cruise vessels).
- Payment to reimburse travelling expenses.
- Employers must give workers a written statement to enable them to calculate if they have been at least paid the NMW.
- Employers must keep adequate NMW compliance records.
- Workers (or their unions) are entitled to access these compliance records within 14 days of submitting a written 'production notice' to their employer (on a claim to an employment tribunal in respect of non-compliance, the tribunal can award a worker the equivalent of 80 times the hourly applicable NMW rate).

From 1 April 2021, the NMW rates increased. The hourly rate for each age range is set out below:

- 23 and over = £8.91
- 21 to 22 = £8.36
- 18 to 20 = £6.56
- Under 18 = £4.62
- Apprentice = £4.30

Conclusions adopted by the Tripartite Meeting on Issues relating to Migrant Fishers (2017), stated that the ILO should “advise States engaged in bilateral, regional and multilateral agreements concerning migrant fishers, with a view to ensure that such agreements are based on social dialogue and are consistent with relevant ILO standards and fundamental principles and rights at work”.⁷⁴

ANNEX 3: FAILURES OF REGULATORY BODIES IN FISHERS' HOME COUNTRIES

There are various immigration routes available to fishers to come to the UK. The routes differ between and within the home countries of fishers. The transit visa is used mostly by vessel owners to recruit fishers from the Philippines, Ghana and Indonesia.

However, none of these immigration routes meet the requirements of C188 and leave migrant fishers vulnerable to labour exploitation. Part of this vulnerability stems from immigration and maritime policies which are incoherent and cause confusion. This is readily exploited by vessel owners who pressure migrant crew into working longer hours than they are contracted or paid for.

Neither the Philippines, Ghana or Indonesia have ratified C188,⁷⁵ but all of these labour providing nations have ratified the MLC, 2006.^{76,77}

PHILIPPINES

The Philippines is the world's largest provider of labour in the global shipping industry. In its 2019/20 report, the maritime consultancy Drewry estimated that the country's 222,000 seafarers represented more than one in seven of the global seafaring workforce.

But how many of those seafarers are really fishers? It's an important question, because while some countries recognise fishing as an occupation distinct from that of seafaring, the Philippines does not. Instead, in domestic law and in the approaches of its departments to their recruitment and deployment, fishers are all regarded as seafarers.

The (mis-)classification of fishers as 'seafarers' by the Philippines is a policy choice that has both positive and negative impacts on fishers. On the positive side, it means that

the country's ratification of the MLC is also applicable to fishers, affording them additional rights and entitlements (although these are not being guaranteed in the UK).

Furthermore, the choice to regard them as seafarers has meant that fishers also have the opportunity to benefit from the country's unique system of regulating the recruitment and placement of migrant workers abroad.

In theory, the Philippine Overseas Employment Administration (POEA) uses its registration, monitoring and sanctioning powers over thousands of private recruitment and crewing firms, or agencies, to require that Filipinos are not placed into employment situations that fall foul of the country's *Rules and Regulations Governing the Recruitment and Employment of Seafarers (Seafarers' POEARR)*. This regulation, taken together with other POEA instruments, sets out a detailed regime to govern the labour migration of the country's seafarers (including fishers). Over time, this system has proved effective in preventing wage undercutting between Filipino crew in foreign labour markets, and its high allotment requirements have seen billions of US dollars flow into the Philippines' economy.

It is worth noting that the POEA's reach is limited. Under the United Nations Convention on the Law of the Sea (UNCLOS), the administration's jurisdiction does not displace the pre-emptive Flag State jurisdiction of vessels, and the POEA's jurisdiction is limited on foreign flagged vessels when they are not in the waters of the Philippines.⁷⁸

However, the (mis-)classification of Filipino fishers also sets them up to be exploited, abused, silenced, and denied rights and protections in the UK.

It is faster, easier and more profitable for UK vessel owners (and their crewing agency partners) to bring a fisher into the UK on a seafarers' transit visa, than to use one of the alternative visa pathways available (such as the

skilled worker visa route). By designating their fishers as seafarers, the Philippines authorities make it that much easier to onboard a potential fisher through the UK's seafarer transit visa loophole.

How do POAE contracts enable misuse of the UK visa loophole?

01. When a fisher wants to leave the Philippines to work abroad, they must first get permission from the POAE.
02. After checking the fisher's proposed terms of employment against their own standards, the POAE then issues the fisher with what is called a 'POEA contract'.
03. The fisher presents this paperwork and some key vessel information to the UK Home Office in their home country, prior to departure to obtain a seafarers' transit visa upon arrival at the UK border.
04. The fisher enters the UK as a seafarer using the transit visa.

Are POAE contracts good enough?

While POAE contracts might meet the requirements stipulated under the ILO's convention covering seafarers' identity documents C185 (which the Philippines has ratified),⁷⁹ POAE contracts are not compliant with the C188, according to the UK Maritime and Coastguard Agency (MCA). POEA contracts cannot be used in place of a Fisherman Work Agreement (FWA) as required by C188, and it is therefore illegal to work on a UK fishing vessel without also having an FWA.

These points have been confirmed by the MCA – see **Annex 1**. While the POEA has responded and highlighted the Standard Terms and Conditions (STC) Governing the Overseas Employment of Filipino Seafarers, the confusion between countries, agencies and regulations is contributing to an environment where fishers do not know what rules apply and are therefore trapped in a position where they are forced to take vessel owners' views as fact.

POAE contracts are being used in place of C188 compliant FWAs but it is not clear who "The Employer" is in these contracts, as they list both agent and shipowner then say, "hereinafter referred to as the Employer". The 'principal' is however legally the employer.

POAE contracts fall short of the requirements of C188, including:

- Provisions: the one-page Seafarers Employment Contract (SEC), provided to fishers without the supporting Standard Terms and Conditions (STC), do not confirm what provisions are supplied to crew nor that such provisions will be free of charge to the fisher. Instead they use vague language: "subsistence consistent with good maritime standards and practices while on board the ship".
- Length: the contracts are made for indefinite period but there is no information on notice periods available to either party. However, the amended SEC requires the parties to explicitly identify the duration of the employment contract within the 12-month limit provided in the STC.
- Health and social security coverage and benefits are not included in the one-page contract which fishers sign and are only annexed in the STC.
- The fisher has to pay for repatriation if they want to terminate their contract early, but the contract is valid indefinitely so what counts as early termination is unclear.
- Minimum periods of rest are not included.
- There is no declaration in the contracts that the regulations have been met.

The contracts also fall foul of UK law, in that annual leave is included, but not in line with UK regulations 2018/1109 which requires that paid leave should be paid at the same level as basic wages.

The POAE "requires" seafarers to make an allotment which must be at least 80 percent

of the seafarer’s salary. But this does not align with UK limits on allotments which cap them at 50 percent of a person’s wages. The rates are set out in the *Merchant Shipping (Seamen’s Allotments) Regulations 1972*, which were extended in amendment 2018/1109 to cover ‘all fishers working on fishing vessels registered in the UK.

Most people would expect the POEA to require in their contracts that the national minimum labour conditions of the destination country they are deploying their nationals to are being adhered to (such as National Minimum Wage and limits on working hours). However, the ITF has found no evidence that such checks are currently taking place in respect to the documentation practices used to recruit and place Filipinos in the UK fishing industry.

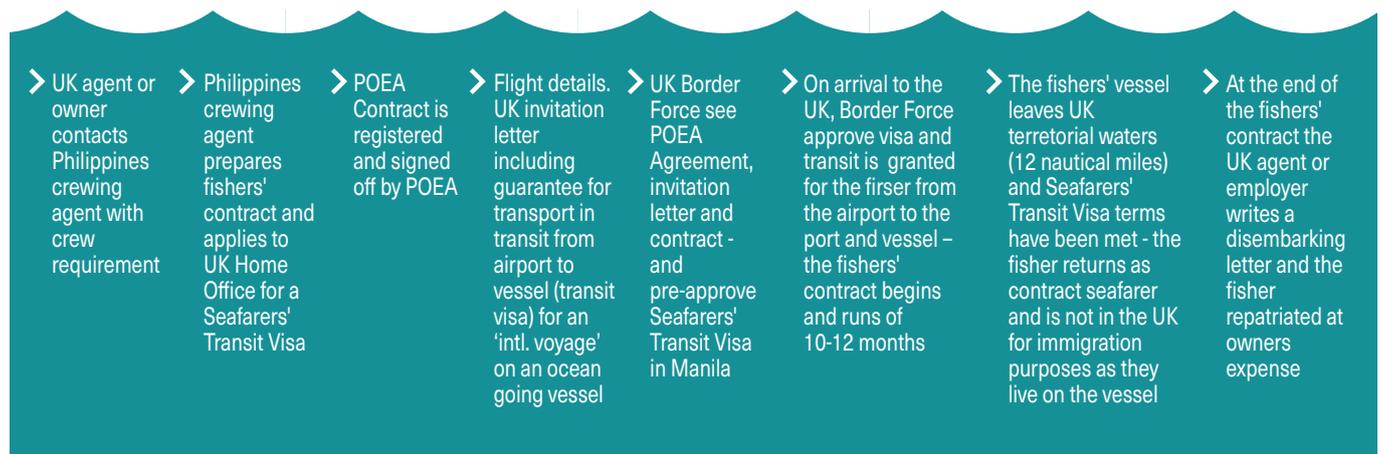
Instead of supporting fishers’ welfare, the POEA’s issuance of thousands of seafarer contracts over the past decade has meant that these Filipino fishers have missed out on rights at work that should have been afforded to them.

We note the POEA’s efforts to crack down on some rogue crewing agencies that it has previously registered. For example, it suspended Able Maritime Seafarers’ Inc. in 2021, although only after a public ITF Inspectorate ‘red listing’ campaign. The POEA needs to continue its firm treatment of agencies which let down its otherwise positive governance. The establishment of the Department of Migrant Workers in 2023 is an important opportunity for the Philippines Government to make the necessary changes to the work of the POEA.⁸¹

The ITF recommends that the POEA reforms its template contracts for overseas based workers, and the monitoring/ enforcement systems supporting those contracts, to ensure Filipinos deployed to work in the UK are employed consistent with UK laws, including the principles of C188.

Figure 1: The journey of a Filipino fisher working on a UK fishing vessel

The journey of a Filipino fisher though from recruitment in the Philippines to travel, to transit, employment in the UK fishing industry



INDONESIA

Like in the Philippines, fishers in Indonesia are considered seafarers by their home government. As Indonesia has ratified the MLC, its provisions are applicable to Indonesia fishers working domestically, and on vessels flagged by the country.

However, unlike the Philippines, with its centralised migrant labour registration and oversight regime, the the deployment of Indonesian fishers lacks a harmonised policy, the consequence of which is gaps in fishers' protections and increased risks when they work abroad.

Fishers may be victimised by one of the many fraudulent recruitment agencies. They may also be subject to deceptive and illegal tactics luring them into human trafficking and forced labour.⁸¹

Should the fishers have the good fortune to engage with a genuine recruitment agency, they will still experience confusion and difficulty as they seek the State's blessing for their deployment. This is because of the country's overlapping licensing regimes, and competing ministerial remits which leave policies changing regularly.

For example, the Indonesian National Agency for the Placement and Protection of Indonesian Workers (BNP2TKI) is an interdepartmental taskforce that addresses the needs of Indonesians working overseas. The Ministry of Manpower

(MoM) is responsible for labour affairs in Indonesia and is mandated to manage overseas labour migration, including in the fisheries sector. It is both the issuer of crewing agency licences and as the body charged with oversight of the agencies.

Law 39/2004 requires that all Indonesian migrant fishers register at the BNP2TKI office and local MoM department. Law 18/2017 says migrant workers may only be placed in countries with legislation that protects them, or with a written agreement with the Indonesian Government. There must also be a social security or insurance system to protects workers. These rules are not being applied when UK vessel owners employ Indonesian crew.

Indonesia's policy incoherence fundamentally undermines fishers confidence that they will be treated fairly.

For Indonesian fishers seeking to work in the UK, a seafarers' transit visa can either be obtained from UK Border Force upon arrival to the UK, or be obtained in advance of coming to the UK, via an overseas application. The later are typically facilitated for fishers by a mix of regulated crewing agencies and unregulated brokers and sub-agents in Indonesia, depending on who the fisher has engaged.

Figure 2 below shows one possible route for an Indonesian fisher working on a UK fishing vessel.

Figure 2: route for an Indonesian fisher working on a UK fishing vessel.



GHANA

Ghanaian fishers have been working on UK and Irish vessels for a number of years. Ghana has ratified C108 Seafarers' Identity Documents Convention, 1958 (No. 108) but not C185.⁸³ Ghanaian fishers have the correct and necessary certifications under the MLC (they are approved as competent from the safety point of view) to work in the UK industry, but proper labour regulations are not enforced when Ghanaian fishers are deployed overseas.

Like in Indonesia, crewing agents are not properly regulated, leading to many fishers to encounter and experience fraudulent and deceptive behaviour recruitment agencies and informal networks.

In the place of a regulated, transparent crewing agent market, Ghanaian fishers work with informal networks of crewing agents to find work abroad. Usually this means that a UK company provides a letter of invitation and contract, which is checked by Border Force

alongside 'permission to board' documents. UK Border Force provides an entry stamp to the UK in the fisher's document or passport, granting them a seafarer's transit visa on arrival.

The route Ghanaian fishers take does not meet the requirements of either conventions C108 or the MLC. However, even if a convention is not ratified by a fisher's home country, the employer is still responsible for meeting the terms of these conventions because the UK has ratified. UK fishing vessels are usually registered in the UK and the UK also has responsibilities as the Port State where vessels spend most of their time.

The proper regulation of crewing agencies in Ghana, in conjunction with UK authorities, is necessary to confirm that the immigration route and crewing agents meet the requirements of the relevant conventions.

Figure 3 below shows a route for Ghanaian fishers to work on UK fishing vessels.

Figure 3: The Route taken by Ghanaian fishers to work on UK fishing vessels



European Economic Area – EEA (such as Poland, Latvia and Romania)

Currently there has been no policy announcement of decision to clarify what will happen post-Brexit for fishing crew from EEA countries. EEA nationals who are already in the UK and have the right to remain can work on UK fishing vessels and be paid a share of the profits from the catch. Those who are not yet in the UK will have to apply for various types of visas, and these will need to include contracts and salaries.

Since July 2021, all EEA citizens must demonstrate they have a right to work in the UK through evidence of their immigration status. If a fisher is planning to work within 12 nautical miles of the UK coast, they will also need a visa. This may be a points-based visa, settled status or a frontiers worker permit (which allows entry to the UK for those living outside the UK who have worked in the UK before and are from the EU or Switzerland, Norway, Iceland or Liechtenstein).^{84,85} EEA fishers can work with a contract (as contract seafarers) on

UK-flagged fishing vessels inside or outside 12 nautical miles. There is a requirement for a contracted wage, but they can just enter the UK as EEA citizens to work.

There could be different options available to EEA fishers in the future. These could include:

- Frontier status (as a condition to be share fishers in the UK);
- Skilled worker visas (which replaced the Tier 2 work visa)⁸⁶;
- Intra company fishing;
- Applying through the points system (obtaining a minimum of 70 migration points which include knowledge of the language, education, experience, and reputation of the employer); or
- Temporary Worker or Seasonal Worker visas (if over 18 and has permission from the employer, sufficient resources to cover costs to stay in UK during this period – minimum GBP 1,270 issued for a maximum period of 3 months).

REFERENCES:

01. International Labour Organization (2017) Decent work for migrant fishers, Report for discussion at the Tripartite Meeting on Issues Relating to Migrant Fishers (Geneva, 18–22 September 2017), International Labour Office, Sectoral Policies Department, Geneva, ILO, 2017 https://www.ilo.org/wcmsp5/groups/public/-ed_dialogue/---sector/documents/publication/wcms_569895.pdf
02. Peachey, P. (2014): Police investigate claims of slavery in UK fishing fleet. The Independent. <https://www.independent.co.uk/news/uk/crime/police-investigate-claims-of-slavery-in-ukfishing-fleet-9877879.html> (Accessed: 18 January 2021).
03. Shebbeare, S. (2015): The foreign workers trapped on trawlers. BBC News. Available at: <https://www.bbc.com/news/magazine-31537059> (Accessed: 18 January 2021).
04. Blackstock, R. (2017): Revealed: Fishing tycoon in slavery probe after police raid trawler. The Sunday Post. <https://www.sundaypost.com/fp/revealedfishing-tycoon-in-slavery-probeafter-police-raid-trawler/> (Accessed: 17 January 2021).
05. Moulds, J. (2017): Migrant workers used as forced labour on Scottish fishing fleet, charity claims. The Times. <https://www.thetimes.co.uk/article/migrant-workers-used-as-forcedlabour-on-scottish-fishing-fleet-charity-claims-pcphpm7k> (Accessed: 10th March 2021).
06. Lawrence, F. and McSweeney, E. (2018): Suspected slavery victims traumatised by Home Office delays. <https://www.theguardian.com/uk-news/2018/jul/03/suspectedslavery-victims-traumatised-by-home-office-delays> (Accessed: 17 January 2021).
07. Murray, P. (2014) Boat slave shame of fishing industry. <https://www.express.co.uk/news/uk/456085/Boat-slave-shame-of-fishing-industry> (Accessed: 17 January 2021).
08. MAIB ANNUAL REPORT 2017 https://safety4sea.com/wp-content/uploads/2018/06/UK-MAIB-Annual-Report-2017-2018_06.pdf
09. MAIB ANNUAL REPORT 2020 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/992017/MAIBAnnualReport2020.pdf
10. Laesk, D (2015) Scottish fishing firm in human trafficking probe as Ireland, UK unite to fight maritime slavery <https://www.heraldscotland.com/news/14171641.scottish-fishing-firm-in-human-trafficking-probe-as-ireland-uk-unite-to-fight-maritime-slavery/>
11. Express (2014) Boat slave shame of fishing industry. <https://www.express.co.uk/news/uk/456085/Boat-slave-shame-of-fishing-industry>
12. Guardian (2018) Slavery risk warning over UK's scallop fisheries: Register singles out industry with retailers told to check suppliers are clear of any link to bonded labour <https://www.theguardian.com/world/2018/feb/01/slavery-warning-uk-scallop-fisheries>
13. INTERNATIONAL LABOUR ORGANIZATION (2017) Decent work for migrant fishers, Report for discussion at the Tripartite Meeting on Issues Relating to Migrant Fishers (Geneva, 18–22 September 2017), International Labour Office, Sectoral Policies Department, Geneva, ILO, 2017 https://www.ilo.org/wcmsp5/groups/public/-ed_dialogue/---sector/documents/publication/wcms_569895.pdf
14. UK Government (no date) Countries in the EU and EEA <https://www.gov.uk/eu-eea>
15. Seafish (2022) 2021 Employment in the UK Fishing Fleet <https://www.seafish.org/document/?id=7d65694d-7f4f-4bfc-acd0-eb4d6c66a549>
16. Seafish (2017) Working on UK fishing vessels: the legal framework and support for fishers. Insight, November 2017.
17. Home Office (2020) Seamen. Guidance. Version 3.0 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947619/seamen-guidance-v3.0ext.pdf

18. Rietmann, D. (2020) Working conditions on British fishing vessels Assessment and analysis of precarious working conditions in British fisheries. GEO 511 Master's Thesis. Department of Geography, University of Zurich.
19. Shebbeare, S. (2015): The foreign workers trapped on trawlers. BBC News. Available at: <https://www.bbc.com/news/magazine-31537059> (Accessed: 18 January 2021).
20. Carpenter, G. Williams, C. and Scurrah, E. (2020) BENEATH THE SURFACE: LABOUR VULNERABILITY IN THE UK FISHING INDUSTRY. New Economics Foundation, London. https://neweconomics.org/uploads/files/Beneath-the-surface_NEF.pdf
21. Shebbeare, S. (2015): The foreign workers trapped on trawlers. BBC News. Available at: <https://www.bbc.com/news/magazine-31537059> (Accessed: 18 January 2021).
22. Moulds, J. (2017): Migrant workers used as forced labour on Scottish fishing fleet, charity claims. The Times. <https://www.thetimes.co.uk/article/migrant-workers-used-as-forcedlabour-on-scottish-fishing-fleet-charity-claims-pcphpmsp7k> (Accessed: 10th March 2021).
23. Free Movement (2018) Briefing: the immigration rules covering foreign citizens in the UK fishing fleet <https://freemovement.org.uk/foreign-fishermen-uk-fishing-fleet-territorial-waters/>
24. Peachey, P. (2014): Police investigate claims of slavery in UK fishing fleet. The Independent. <https://www.independent.co.uk/news/uk/crime/police-investigate-claims-of-slavery-in-ukfishing-fleet-9877879.html> (Accessed: 18 January 2021).
25. Shebbeare, S. (2015): The foreign workers trapped on trawlers. BBC News. Available at: <https://www.bbc.com/news/magazine-31537059> (Accessed: 18 January 2021).
26. Blackstock, R. (2017): Revealed: Fishing tycoon in slavery probe after police raid trawler. The Sunday Post. <https://www.sundaypost.com/fp/revealedfishing-tycoon-in-slavery-probeafter-police-raid-trawler/> (Accessed: 17 January 2021).
27. Moulds, J. (2017): Migrant workers used as forced labour on Scottish fishing fleet, charity claims. The Times. <https://www.thetimes.co.uk/article/migrant-workers-used-as-forcedlabour-on-scottish-fishing-fleet-charity-claims-pcphpmsp7k> (Accessed: 10th March 2021).
28. Lawrence, F. and McSweeney, E. (2018): Suspected slavery victims traumatised by Home Office delays. <https://www.theguardian.com/uk-news/2018/jul/03/suspectedslavery-victims-traumatised-by-home-office-delays> (Accessed: 17 January 2021).
29. Murray, P. (2014) Boat slave shame of fishing industry. <https://www.express.co.uk/news/uk/456085/Boat-slave-shame-of-fishing-industry> (Accessed: 17 January 2021).
30. MAIB ANNUAL REPORT 2017 https://safety4sea.com/wp-content/uploads/2018/06/UK-MAIB-Annual-Report-2017-2018_06.pdf
31. MAIB ANNUAL REPORT 2020 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/992017/MAIBAnnualReport2020.pdf
32. ILO (2020) Study on the recruitment and placement of migrant fishers from Indonesia https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_752111.pdf
33. Express (2014) Boat slave shame of fishing industry. <https://www.express.co.uk/news/uk/456085/Boat-slave-shame-of-fishing-industry>
34. Guardian (2018) Slavery risk warning over UK's scallop fisheries: Register singles out industry with retailers told to check suppliers are clear of any link to bonded labour <https://www.theguardian.com/world/2018/feb/01/slavery-warning-uk-scallop-fisheries>
35. Djohari, N. and White, C. (2021) How the socio-cultural practices of fishing obscure micro-disciplinary, verbal, and psychological abuse of migrant fishers in Northeast Scotland. Maritime Studies <https://doi.org/10.1007/s40152-021-00251-0>

36. Djohari, N. and White, C. (2021) How the socio-cultural practices of fishing obscure micro-disciplinary, verbal, and psychological abuse of migrant fishers in Northeast Scotland. *Maritime Studies* <https://doi.org/10.1007/s40152-021-00251-0>
37. Carpenter, G. Williams, C. and Scurrah, E. (2020) *BENEATH THE SURFACE: LABOUR VULNERABILITY IN THE UK FISHING INDUSTRY*. New Economics Foundation, London. https://neweconomics.org/uploads/files/Beneath-the-surface_NEF.pdf
38. Seafish (2022) 2021 Employment in the UK Fishing Fleet <https://www.seafish.org/document/?id=7d65694d-7f4f-4bfc-acd0-eb4d6c66a549>
39. HMRC (2020) Guidance Share fisherman: Income Tax and National Insurance contributions <https://www.gov.uk/guidance/share-fisherman-income-tax-and-national-insurance-contributions>
40. Seafarers UK (2020) *Fishing Without a Safety Net. The financial resilience of small-scale coastal fishers, their families and communities* Author: Paul A Jones, Reader in the Social Economy, Research Unit for Financial Inclusion, Liverpool John Moores University
41. Verite (2021) *Assessing Labour Risk for Workers Migrating from the Philippines to Europe*. https://www.verite.org/wp-content/uploads/2021/03/Labor-Risk-Philippines-to-Europe_Verite-March-2021.pdf
42. Verite (2021) *Assessing Labor Risk for Workers Migrating from the Philippines to Europe*. https://www.verite.org/wp-content/uploads/2021/03/Labor-Risk-Philippines-to-Europe_Verite-March-2021.pdf
43. Jones et al (2019) Pay Gaps Between Domestic and International Fishers: an Economic or Ethical Issue. *Maritime Studies* volume 19, pp 15–27 <https://link.springer.com/article/10.1007%2Fs40152-019-00133-6>
44. Djohari, N. and White, C. (2021) How the socio-cultural practices of fishing obscure micro-disciplinary, verbal, and psychological abuse of migrant fishers in North East Scotland. *Maritime Studies* <https://doi.org/10.1007/s40152-021-00251-0>
45. Djohari, N. and White, C. (2021) How the socio-cultural practices of fishing obscure micro-disciplinary, verbal, and psychological abuse of migrant fishers in Northeast Scotland. *Maritime Studies* <https://doi.org/10.1007/s40152-021-00251-0>
46. EJF (2014) *SLAVERY AT SEA: The Continued Plight of Trafficked Migrants in Thailand's Fishing Industry* https://ejfoundation.org/resources/downloads/EJF_Slavery-at-Sea_report_2014_web-ok.pdf
47. Verite (2021) *Assessing labour Risk for Workers Migrating from the Philippines to Europe*. https://www.verite.org/wp-content/uploads/2021/03/Labor-Risk-Philippines-to-Europe_Verite-March-2021.pdf
48. Irish Times (2018) Ghanaian men in possible trafficking case are in State care <https://www.irishtimes.com/news/ireland/irish-news/ghanaian-men-in-possible-trafficking-case-are-in-state-care-1.3462579>
49. Irish Times (2017) Judge dismisses charges over illegal Cork trawler workers <https://www.irishtimes.com/news/ireland/irish-news/judge-dismisses-charges-over-illegal-cork-trawler-workers-1.3002669>
50. Free Movement (2018) Briefing: the immigration rules covering foreign citizens in the UK fishing fleet <https://freemovement.org.uk/foreign-fishermen-uk-fishing-fleet-territorial-waters/>
51. The Fishing Daily (2021) Fishing Industry in Northeast Scotland welcomes new immigration rules <https://thefishingdaily.com/latest-news/fishing-industry-in-northeast-scotland-welcomes-new-immigration-rules/>
52. Fishing News website (March 15th, 2021) <https://fishingnews.co.uk/news/crewing-breakthrough/>
53. Rietmann, D. (2020) *Working conditions on British fishing vessels Assessment and analysis of precarious working conditions in British fisheries*. GEO 511 Master's Thesis. Department of Geography, University of Zurich.
54. Verite (2021) *Assessing Labor Risk for Workers Migrating from the Philippines to Europe*. https://www.verite.org/wp-content/uploads/2021/03/Labor-Risk-Philippines-to-Europe_Verite-March-2021.pdf

55. Shebbeare, S. (2015): The foreign workers trapped on trawlers. BBC News. Available at: <https://www.bbc.com/news/magazine-31537059> (Accessed: 18 January 2019).
56. Moulds, J. (2017): Migrant workers used as forced labour on Scottish fishing fleet, charity claims. The Times. <https://www.thetimes.co.uk/article/migrant-workers-used-as-forcedlabour-on-scottish-fishing-fleet-charity-claims-pcppmsp7k> (Accessed: 17 January 2021).
57. Dustmann, Frattini and Preston (2007) A Study of Migrant Workers and the National Minimum Wage and Enforcement Issues that Arise. Department of Economics and Centre for Research and Analysis of Migration (CREAM), University College London. <https://discovery.ucl.ac.uk/id/eprint/14329/1/14329.pdf>
58. HMRC (2021) HMRC internal manual National Minimum Wage Manual. <https://www.gov.uk/hmrc-internal-manuals/national-minimum-wage-manual/nmwm06230>
59. Home Office (2020) Seamen. Guidance. Version 3.0 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947619/seamen-guidance-v3.0ext.pdf
60. Seafish (2017) Working on UK fishing vessels: the legal framework and support for fishers. <https://www.seafish.org/document/?id=F6405C2B-366A-47ED-AE16-CDDC71852558>
61. Home Office (2020) Seamen. Guidance. Version 3.0 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947619/seamen-guidance-v3.0ext.pdf
62. UK Government (2021) Guidance Seafarers: CRM01. Updated 19 April 2021 <https://www.gov.uk/government/publications/seafarers-crm01/seafarers-crm01>
63. The Fishing Daily (2021) Fishing Industry in Northeast Scotland welcomes new immigration rules <https://thefishingdaily.com/latest-news/fishing-industry-in-northeast-scotland-welcomes-new-immigration-rules/>
64. Fishing News website (March 15th 2021) <https://fishingnews.co.uk/news/crewing-breakthrough/>
65. Free Movement (2018) Briefing: the immigration rules covering foreign citizens in the UK fishing fleet <https://freemovement.org.uk/foreign-fishermen-uk-fishing-fleet-territorial-waters/>
66. UK Government (2021) the work in fishing convention <https://www.gov.uk/government/collections/ilo-work-in-fishing-convention>
67. Carey, L. (2017) THE MARITIME LABOUR CONVENTION, 2006 <https://ssl.law.uq.edu.au>
68. ILO (no date) Frequently Asked Questions - Work in Fishing Convention, 2007 (No. 188) https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_206454.pdf
69. Carey, L. (2017) THE MARITIME LABOUR CONVENTION, 2006 <https://ssl.law.uq.edu.au>
70. ILO (no date) Frequently Asked Questions - Work in Fishing Convention, 2007 (No. 188) https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_206454.pdf
71. ILO (2021) ILO training package on inspection of labour conditions on board fishing vessels https://www.ilo.org/sector/Resources/training-materials/WCMS_766744/lang--en/index.htm
72. UK Government (2021) Guidance Seafarers: CRM01. Updated 19 April 2021 <https://www.gov.uk/government/publications/seafarers-crm01/seafarers-crm01>
73. UK Government Department of Business, Energy and Industrial Strategy (2020) National Minimum Wage Law: enforcement Policy on HM Revenue & Customs enforcement, prosecutions and naming employers who break National Minimum Wage law. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923118/national-minimum-wage-enforcement-policy-1-oct-2020.pdf
74. 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>

75. ILO Ratifications of C188 - Work in Fishing Convention, 2007 (No. 188) https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312333
76. ILO Ratifications of MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006) https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO::P11300_INSTRUMENT_ID:312331
77. UK Government (2021) Guidance Seafarers: CRM01. Updated 19 April 2021 <https://www.gov.uk/government/publications/seafarers-crm01/seafarers-crm01>
78. ILO (2019) The Philippines and the Work in Fishing Convention, 2007 (No. 188): a comparative analysis https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_739446.pdf
79. ILO Ratifications of C185 - Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185) https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312330
80. Department of Migrant Workers may start by 2023: POEA | Philippine News Agency (pna.gov.ph)
81. ILO (2020) Study on the recruitment and placement of migrant fishers from Indonesia https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_752111.pdf
82. ILO (2020) Study on the recruitment and placement of migrant fishers from Indonesia https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_752111.pdf
83. ILO Ratifications of C108 - Seafarers' Identity Documents Convention, 1958 (No. 108) https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312253
84. UK Government (2021) Points based system: The UK's points-based immigration system: information for EU citizens The UK's points-based immigration system: information for EU citizens - GOV.UK (www.gov.uk)
85. UK Government (no date) Frontier Worker Permit <https://www.gov.uk/frontier-worker-permit>
86. UK Government (no date) Skilled Worker visa <https://www.gov.uk/skilled-worker-visa>

WWW.ITFGLOBAL.ORG

WE MOVE THE WORLD.



INTERNATIONAL
TRANSPORT
WORKERS'
FEDERATION

49-60 Borough Road
London SE11DR
+44 (0)20 7403 2733