



University of
Nottingham
Rights Lab

Letting exploitation off the hook?

Evidencing labour abuses
in UK fishing

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Data availability statement: Aggregated, anonymised, and redacted survey data will be available in an open access repository after the author has published all findings. Interview data will not be made publicly available due to the sensitive nature of the topic and identification risks for participants.

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Report designed by: Creative Triangle

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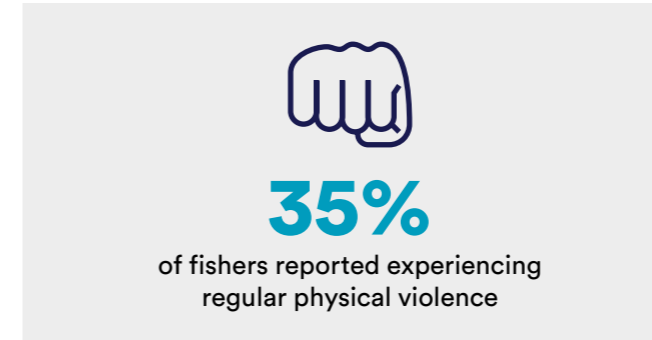
Executive summary

Year-on-year, the number of migrant fishers crewing United Kingdom-flagged fishing vessels is seemingly increasing. Primarily from European states, the Philippines, and Ghana with fewer numbers of fishers from Indonesia, India, and Sri Lanka, there have long been concerns and reports of systemic pay and wage inequalities, pervasive labour abuses, and exploitative immigration schemes. In January 2020, the International Labour Organization’s (ILO) (2007) Work in Fishing Convention (C188) came into force in the United Kingdom (UK). In conjunction with the Modern Slavery Act, on paper, the UK has one of the most stringent fisheries labour regulation environments; yet the abuse of migrants continues.

From June 2021 through October 2021, the University of Nottingham Rights Lab conducted an independent baseline study of working conditions across the UK fishing fleet (108 surveys and 16 interviews covering England, Scotland, Wales and Northern Ireland were collected). Several key findings confirmed the concerns long raised by other stakeholders. First, despite fishing crew being eligible for skilled-worker visas, there is no evidence of non-European (non-EEA) migrants working on these skilled-worker visas. Instead, non-EEA migrants continue to enter the UK through the use of transit visas which exploits a lack of legal clarity in UK immigration law. As a result, migrant fishers are required to work a “majority” of their time beyond the 12 nautical mile boundary (although this is not quantified or explained and is therefore open to interpretation, which makes enforcement difficult) and have no legal authority to “enter” the UK when returning to port following their 1st fishing trip and repeatedly thereafter during their 10-12 month contract. As a result, they are forced to live on board the vessels, creating multiple employment dependencies that can be readily exploited by vessel owners. Additionally, vessel owners and recruitment agencies are issuing fishermen’s work agreements (FWAs) that are non-compliant with ILO C188. 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.” Furthermore, 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 one vessel named in their contract, when this situation occurs, migrant fishers are again in violation of immigration laws through no fault of their own.

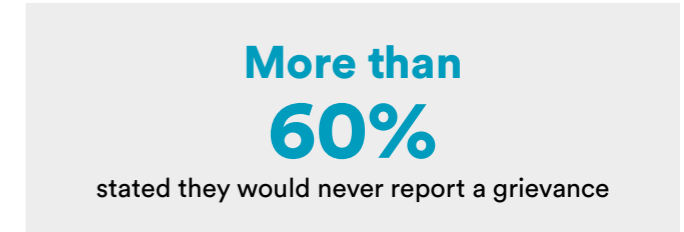


Most migrant fishers surveyed also reported working excessive hours in violation of ILO C188 with pay substantially less than domestic and EEA fishers. For example, 60% reported working a minimum of 16 hours per shift and 1/3 reported working more than 20 hours per shift. Additionally, 30% reported that 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. When accounting for monthly salary, debt, catch-based bonuses, and average hours of work (excluding informal port work), the average salary for migrant fishers was equivalent to £3.51 per hour.



In addition to this systemic overworking and underpaying, 35% of fishers reported experiencing regular physical violence. 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. Coding interviews and survey responses against the ILO’s two core dimensions of forced labour (involuntary work and threat or menace of penalty), almost 19% of participants reported probable forced and compulsory labour while an additional 48% reported potential cases of forced and compulsory labour.

Compounding these issues are the isolation of migrant fishers on board vessels and the insular nature of the UK fishing industry, resulting in migrant fishers not knowing who to trust. There was no clear consensus on a trusted entity for reporting a grievance to, and more than 60% stated they would never report a grievance out of fear of reprisal through their own blacklisting or the blacklisting of their families.



As a result, there is a real need for greater worker-driven processes to combat these issues as it is evident legislation alone will not solve the problem. Each regulatory body appears to be using different legislation with little intersection or coordination across agencies. Even with improved regulatory coordination, migrant fishers are still likely to bear the onus for initiating reporting processes since they rarely leave the vessel or port area, and few authorities have the ability to board the vessel unless the case is reported and is deemed to be sufficiently severe. Migrants must also balance the tension between poor working conditions and their future prospects of fishing in the UK, as there is risk that if they are found to have an illegal contract, even through no fault of their own, it will be treated as an immigration violation, and they will be unable to return to the UK for work for five years.

ILO C188 delineates responsibilities for regulatory bodies, vessel owners, and skipper, but it is evident these requirements are not being implemented correctly across UK fishing. Consequently, this poor implementation is enabling the continued exploitation of migrant labour on UK fishing vessels.



Background

The United Kingdom’s fishing industry has not been immune to reports of human rights and labour abuses aboard their fishing vessels. For almost 15 years, there have been reports of poor working conditions on UK fishing vessels including exploitative wage practices; extreme working hours; inadequate living conditions; contract breaches; physical and verbal abuses; and forced labour, human trafficking, and modern slavery.¹⁻¹¹

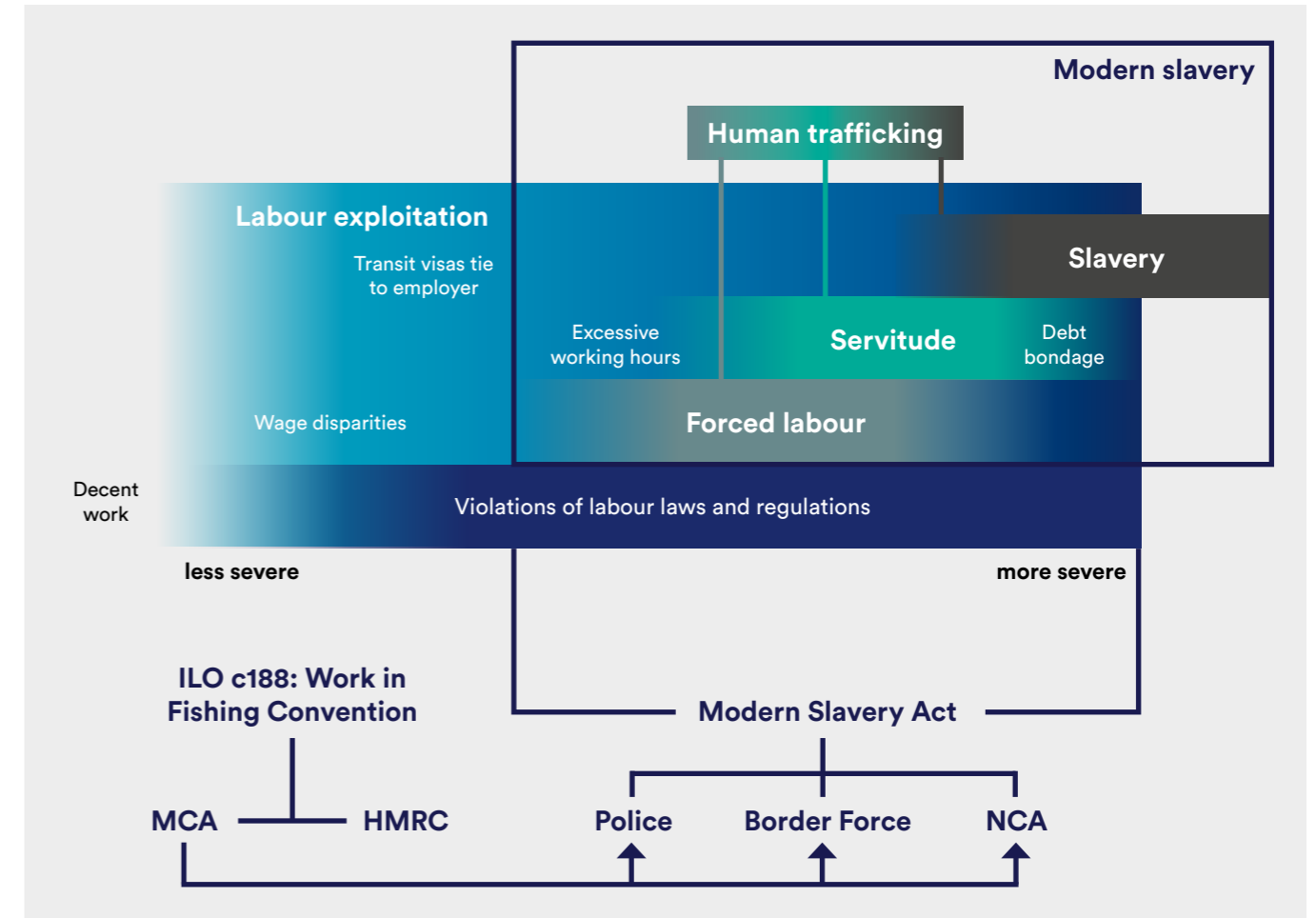
Non-European Economic Area (non-EEA) migrant fishers – primarily from the Philippines, Ghana, Indonesia, Sri Lanka, and India – appear to be differentially impacted by these poor conditions as they are recruited into the UK industry on transit visas that legalise their exploitation, tying them to a single employer and vessel; creating multiple dependencies for the crew on the vessel owner and skipper; and prohibiting them from changing their employer.¹² Also exacerbating the differential impacts on non-EEA migrants is the bifurcated remuneration system in the UK fishing industry wherein self-employed domestic fishers and most EEA migrants are typically paid via a share of catch, a percentage of the value of the fish landed (or profit), whereas employed non-EEA migrants are paid a fixed wage.^{12,13}

The United Kingdom should have one of the world’s best regulated fisheries’ workforces. In 2015, the Modern Slavery Act came into force, providing a range of measures for responding to modern slavery, including forced and compulsory labour, through a variety of actors ranging from law enforcement to supply chains.¹⁴ Though not specific to fishing, the Modern Slavery Act includes a maritime remit encompassing fishing, prescribing intel-led boarding and searching powers to the National Crime Agency (NCA), Border Force, and police.¹⁵ In 2019, the United Kingdom also ratified the International Labour Organization’s (ILO) (2007) Work in Fishing Convention, No. 188 (hereby referred to as ILO C188),¹⁶ which entered into force on January 8th, 2020.¹⁷

The main goal of ILO C188 is to set norms and standards around decent living and working conditions in fishing, including, but not limited to: ensuring sufficient rest periods; prohibiting placement fees and blacklisting; requiring private employment agencies (that is crewing agencies) to be regulated and controlled; establishing minimum requirements for occupational safety and health and living accommodations and food; and ensuring that all fishers have an employment contract.¹⁸ In the UK, the Maritime and Coastguard Agency (MCA) is responsible for the implementation and enforcement of ILO C188, and all standards of the convention apply to share fishers as well as employed fishers regardless of nationality, on all UK flagged vessels, and on non-UK flagged fishing vessels in UK ports.¹²

While the Modern Slavery Act is intended to respond to and identify more severe (in other words illegal) typologies of labour abuses such as forced labour and human trafficking, ILO C188 should be more successful at preventing and identifying less severe typologies of labour abuses that may not reach a threshold of illegality under the MSA. Combined, though, these two seemingly complementary regulations should align to strengthen and mutually reinforce one another, covering the spectrum of working conditions in UK fishing ranging from decent work to modern slavery in addition to providing a blueprint for industry actions from prevention to response (see Figure 1).

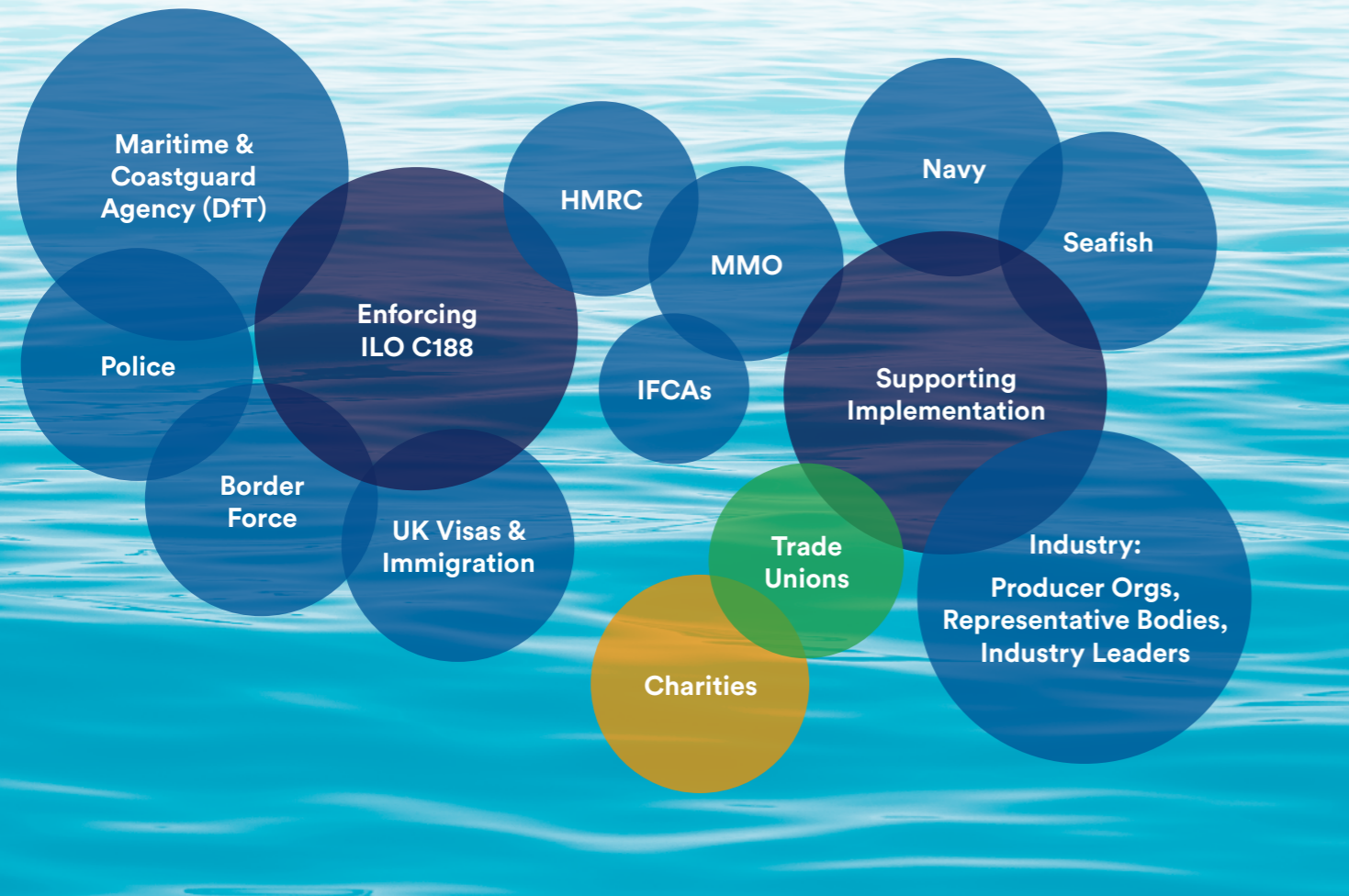
Figure 1. ILO Work in Fishing Convention No. 188 & the Modern Slavery Act



Adapted from Katarina Schwarz, 'Defining Modern Slavery' (Rights Lab, forthcoming).

However, the lack of coordination between regulatory actors that converge in the port context (see Figure 2) has resulted in conflicts of interest (eg between immigration policy, inspections, and the Modern Slavery Act) and policy incoherence resulting in the UK failing to meet its obligations under both the Modern Slavery Act and ILO C188.^{12,19} For example, synergistic evidentiary thresholds across ILO C188 and the MSA appear to have not yet been identified (eg in enforcement practices, violations of ILO C188 do not seem to act as warning signs for modern slavery). This ultimately risks normalising labour abuses that do not reach the threshold of illegality under the MSA’s definitions of forced or compulsory labour as decent work.²⁰

Figure 2. ILO 188 Responsibilities



Some industry action has also impeded the implementation of C188 and the effective protection of all fishers against labour exploitation. For example, the fishing federations representing vessel owners have consistently lobbied for visa loopholes to be maintained and to loosen requirements requiring non-EEA migrants to work wholly outside 12 nautical miles.²¹⁻²⁵ Additionally, ILO C188 is often framed around or contextualised within safety improvements.²⁶⁻²⁸ While the convention's health and safety measures are less controversial than, for example, the working hours directive, this practice risks ignoring systemic drivers of abuses and exploitative practices. Reinforcing this narrative is the use of the "one bad apple theory" wherein isolated reports of forced labour, human trafficking, and modern slavery are dismissed as a few rogue operators that are not representative of the industry as whole and are acting on their own.

The absence of systematic data on working conditions disaggregated by nationality also serves to perpetuate this narrative.¹² While concerns about the treatment of migrant fishers in and around Peterhead and Fraserburgh, Scotland have been raised,^{13,29} there has been limited interrogation of the working conditions for other nationalities and other geographies across the UK fishing industry and there are no official, publicly available, government statistics on the number of migrants working in the industry at any point since 2008.¹² As a result, this research aimed to develop a baseline understanding of working conditions for fishers across the UK, including assessing the relationship between working conditions for national share fishers and employed migrant fishers. Without a benchmark to assess progress, successes, and shortcomings, the UK risks failing to leverage ILO C188 to effect real change for fishers across the UK.

Methodology

From June 2021 through February 2022, the University of Nottingham Rights Lab conducted an independent baseline study of working conditions across the UK fishing fleet, surveying and interviewing both national share fishers and migrant fishers about their work and living conditions on board UK-flagged vessels. Both surveys and interviews were used to gain a breadth and depth of understanding, respectively, and to attempt to achieve as diverse of a study sample as possible. All study participants provided informed consent prior to starting the survey or interview and all research methods were approved by a research ethics committee at the University of Nottingham. Data collection and storage complied with the UK General Data Protection Regulation.

Data collection

This study did not use a random sample of fishers, wherein every fisher working on a UK-flagged vessel had an equal chance of being systematically selected to participate in the study to represent the entire population of fishers in the UK, which is the primary limitation of this approach.²⁹ As a result, these findings are not generalisable across the industry. However, though the industry conducts multiple surveys regularly, including Seafish's fleet survey, these approaches often exclude fishing crew from sharing their experiences as they focus on vessel owners.³⁰ Thus, while this study was limited by the sample, it still presents one of the first attempts to independently assess working conditions across the UK through fishers' first-hand account of their experiences.

This type of sampling, known as non-probability convenience sampling,³¹ was used for three reasons: 1) so that fishers could take the survey at their own convenience, minimising disruptions to their work time and responsibilities in port; 2) to ensure a safe environment for participating in the research and to minimise the influence of vessel owners and skippers on responses; and 3) to access as many migrant fishers as possible – a sub-population that is difficult to access in a systematic way due to their limited movements off the vessels and outside the ports. Data collection was further challenged by COVID-19 restrictions during the data collection period.

Surveys

Rather than the research team randomly selecting fishers to participate, all fishers meeting the study's eligibility criteria could self-select, or entirely decide for themselves, whether to participate in the study.³⁰ There were three requirements for participation in the study: 1) participants must have been aged 18 years or older; 2) must have been actively fishing in UK waters or have fished in UK waters in the past 12 months; and 3) must not have previously completed the survey. Both migrant fishers in the UK and migrant fishers that had recently fished in the UK (but had already returned to their country of origin or were working elsewhere) were included in the sample if they had worked on a UK vessel in the past year. This was then supplemented by survey enumerators (that is personnel helping to collect survey responses) approaching fishers that were convenient to them (eg known to them or available in the port on any given day).

Survey data was collected through an anonymous questionnaire administered online through Qualtrics and in-person, on paper or digitally through a QR code linked to the Qualtrics application, by enumerators from NGOs, charities, and the wider community known to and trusted by the migrant fishers. Both enumerators in the UK and in the migrants' countries of origin were used. These enumerators assisted with recruiting participants, responding to questions about the survey, distributing and collecting self-administered paper surveys, and facilitating survey enumeration for illiterate or low-literacy populations.

Recruitment materials advertising the survey and the questionnaire itself were available in nine languages: English, Tagalog, Cebuano-Bisaya, Bhasa Indonesia, Hindi, Akan, Tamil, Arabic, and Sinhala. These languages were based on the known nationalities of migrant workers in the UK industry that are less comfortable with English.

The questionnaire had 96 questions covering a range of topics including: demographic information; pre-departure experiences; fishermen's work agreements; salary, payments, and wages; working conditions; onboard accommodation; vessel characteristics; safety; and labour rights. Most questions were closed-ended, though some response sets included an "other" option that provided a free-text box for further explanation and this data was also included in the analysis.

In total, 166 surveys were collected but only 108 were used in the analysis due to research ethics requirements. Specifically, a fundamental element of informed consent is the ability to freely chose to stop participating in the survey at any time. In electronically administered surveys, participants are instructed to close out of the survey software if they wish to withdraw. Thus, any survey that did not have responses completed on the last page was interpreted as a withdrawal. Combined, the 108 surveys represented crew from vessels registered in England, Northern Ireland, Scotland, and Wales and fishing and landing across the UK.

Interviews

During the data collection period, semi-structured qualitative interviews were also conducted with 16 migrant fishers to obtain a more nuanced and in-depth understanding of their pre-departure experiences and onboard working conditions, since migrant fishers are purportedly at higher risk of being subjected to exploitative working conditions.^{12,32} These fishers were identified and recruited by stakeholders from a multitude of organisations using translated materials prepared by the research team. As such, there was also a likely bias in the data, as the stakeholders were more likely to have contact with fishers who experienced poor working conditions. Nationality was also purposively sampled to ensure that most of the nationalities working in the industry were included, resulting in six different nationalities in the final interview sample. Combined, the sample represented crew from vessels registered in Northern Ireland, Scotland, and England and fishing and landing across the United Kingdom.

Each of the approximately 90 to 120-minute semi-structured interviews followed a pre-prepared interview script, with some follow-up questions deviating from interview-to-interview to follow new lines of enquiry specific to a participant. One interview included two participants together, resulting in a total of 15 interviews. One researcher conducted all interviews. This researcher was highly trained in conducting qualitative research interview methods — including in cognitive and forensic interviewing techniques for victims of human trafficking, violence, abuse, and trauma — and had more than 10 years of experience conducting qualitative research interviews at the time of the study. All interviews were conducted via Zoom, with the video on so that the researcher could assess for signs of distress in the participant. Each stakeholder that helped recruit the participant into the study also ensured that the participant was in a safe and private environment for the interview. Each participant was also offered the opportunity to have a support person attend the interview. All interviews were conducted in the participant's preferred language through the assistance of interpreters who interpreted from English into the participant's requested language, and vice versa, in real time.³³ If participants consented, interviews were recorded and the English translations transcribed verbatim, with potentially identifying information redacted at the time of transcription. If a participant did not consent to recording, detailed notes were recorded by the researcher during the interview.

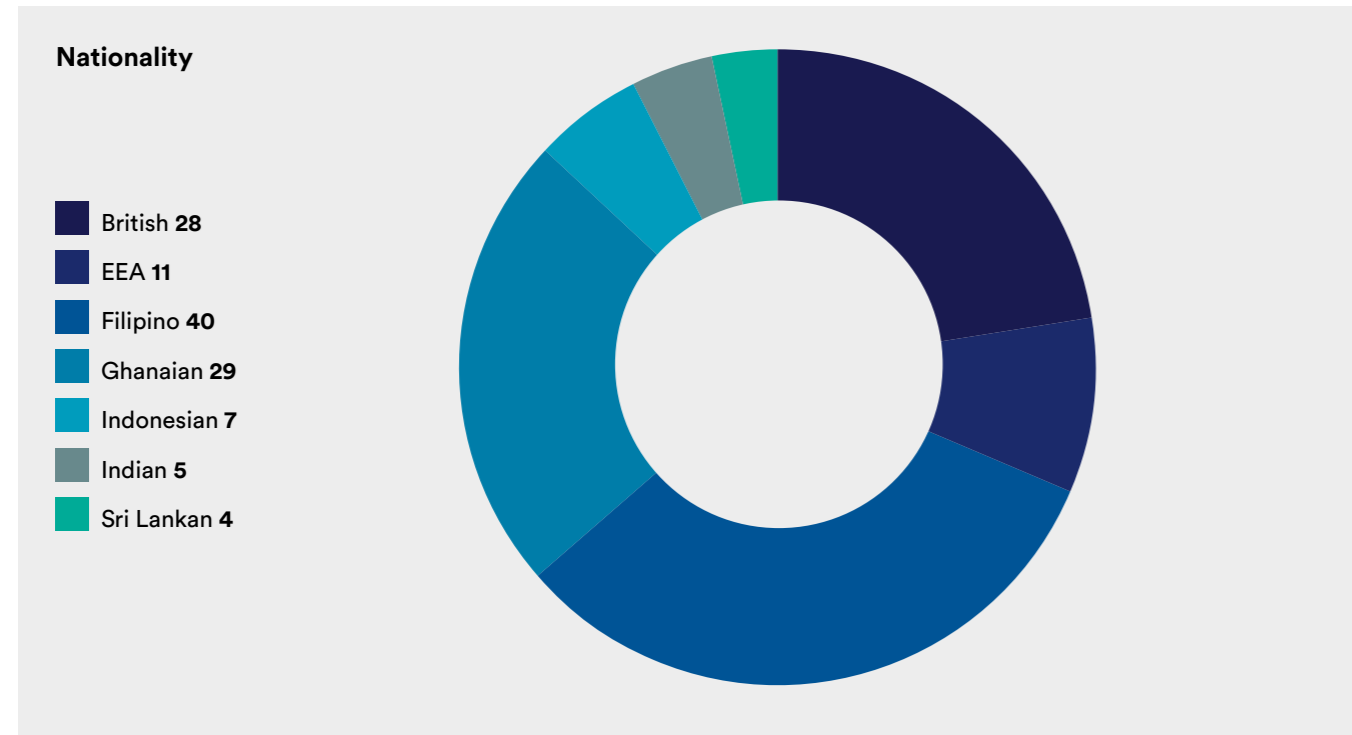
Data analysis

All survey data was analysed in IBM SPSS Statistics v. 26 — a statistical analysis software. Considering the sensitive nature of the topic and because informed consent procedures allowed participants to skip any question they did not want to answer, there was a high level of missingness in the data (meaning questions without responses). As a result, missing values were deleted pairwise meaning each statistical test analysed available values, and excluded missing values case-by-case, rather than deleting the entire survey from the data set due to some missing values. This approach was taken to maximise the available data.³⁰ Statistical tests were used to describe the data more generally, and to identify patterns and relationships amongst key variables.

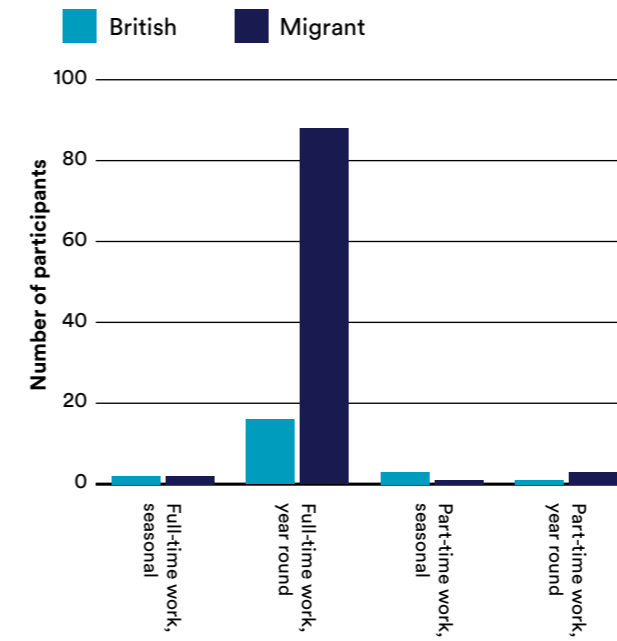
Interview transcripts were iteratively analysed line-by-line to systematically categorise participant quotes to generate data by identifying themes in each individual participant's interview and across the collective sample.³⁴ These themes were then used to triangulate and explain survey findings.³⁵



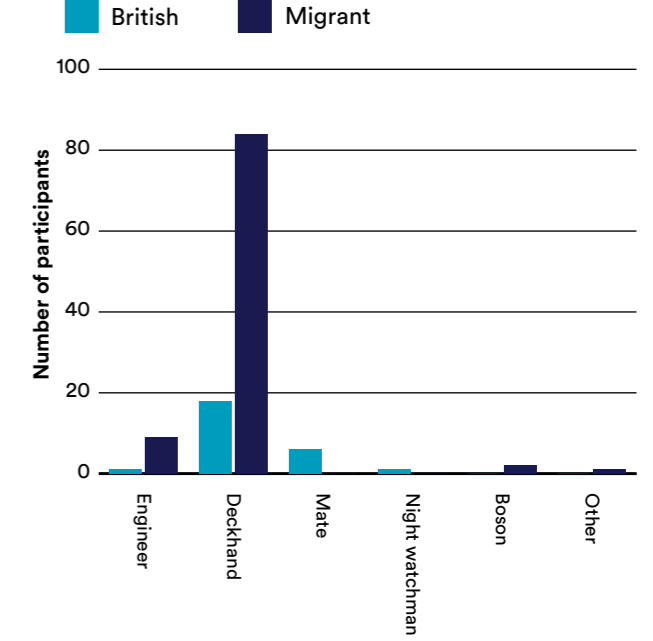
Profile of fishers in the sample



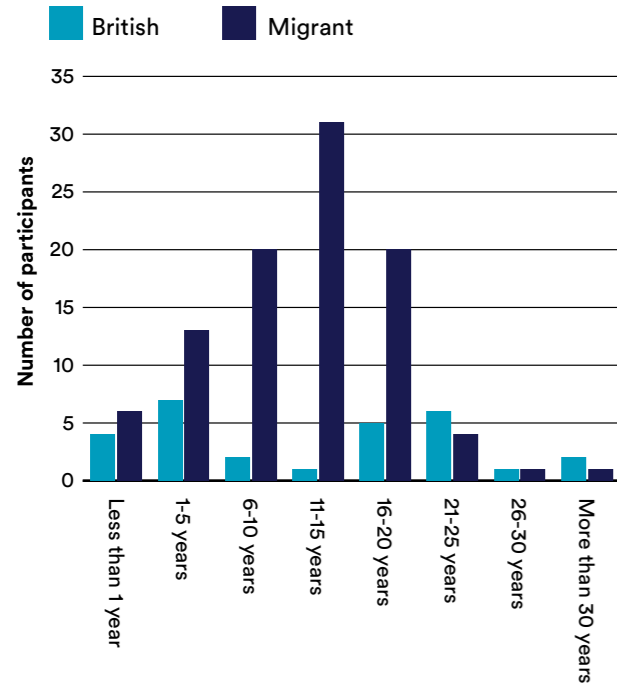
Type of work



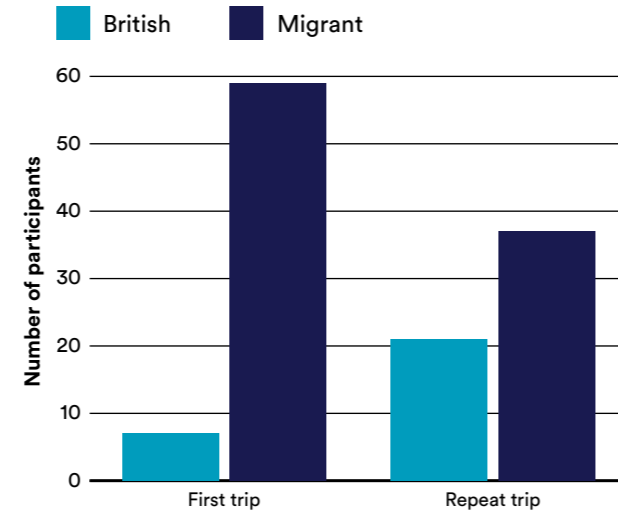
Vessel gear type



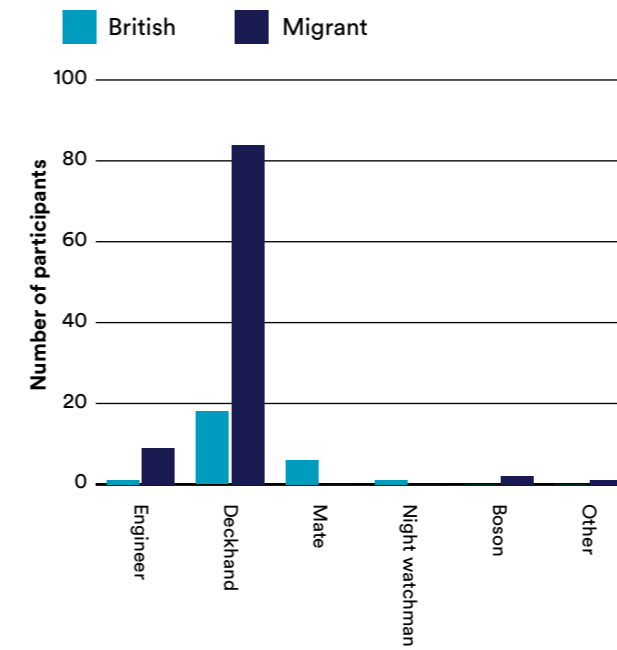
Years of experience



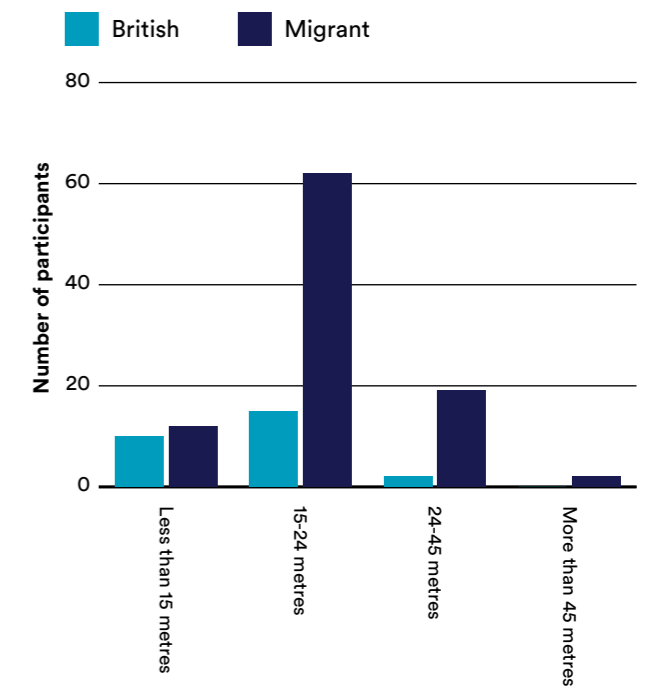
Experience with Skipper or Owner



Job on vessel



Vessel size



Findings: Journey into UK fishing

The starting point for any fisher's entry or journey into UK fishing is the recruitment process. Described by participants as occurring both formally and informally, this process entails finding the work opportunity or being notified of the work opportunity; determining contract, service, or employment terms; and transiting to the boarding site, which for migrant fishers also encompasses immigration processes.

For many, this process requires either investing their own money upfront or incurring debt in the hope that the work will pay a sufficient income to make the financial sacrifices worthwhile. Survey results found that for both national and migrant fishers, the extent of their financial commitment for the work (investment or debt) was associated with who recruited them for the role. These dimensions of the "journey" – recruitment, contracting, investment/debt, and immigration – are often highly interdependent on one another and can vary from fisher to fisher based on nationality; years of fishing experience; and even connections to the UK industry. As a result, it can be difficult to isolate and/or understand where the problems are occurring and to identify leverage points for change.

Recruitment

Domestic fishers' recruitment experiences and associated financial investments

While there are no reliable estimates on number of migrants in the UK fishing industry,¹² anecdotal evidence suggests that the use of migrants on UK-flagged vessels is increasing. Per vessel owners, this is in response to difficulties recruiting younger, local crew.^{21-25, 36} In particular, vessel owners have cited outdated perceptions of the industry (it is a dirty job); low and irregular pay; uncertain nature of fishing (that is hard work at all hours, quota pressures, etc); high cost of trainings and certifications; and competition with other marine industries as fishing industry-deterrents for younger locals. Additionally, vessel owners have characterised local crew as being unwilling to work hard and unreliable due to drugs, alcohol, and laziness.^{35, 37-39}

However, in this study, younger, new entrant national fishers rebuked the notion that young British nationals were disinterested in fishing careers and instead reframed vessel owners' challenges to recruiting as a series of practices akin to gatekeeping (meaning controlling and limiting access to the industry) that could create insurmountable challenges for some new fishers. For example, the survey findings identified an association between age and how the fisher located the job. Specifically, older fishers were more likely to find work through existing relationships and networks (that is family members, friends, vessel owners, and skippers) whereas younger fishers in the sample relied

on alternative sources to identify work opportunities such as websites, traineeships, and agencies that charged them money. Some new entrant national share fishers who were not from "fishing families" reported that the absence of these relationships and networks could make finding reliable work more difficult and often resulted in short-term trial periods so they could be vetted. During these trial periods they were paid half shares and there was no guarantee of long-term work. Additionally, new entrant fishers surveyed incurred more upfront expenses than older, more experienced fishers, such as for travel and onshore accommodations. This suggests that new entrants may be more willing to travel further to accept job opportunities and may even need to be more mobile to find consistent fishing work. Though, coupled with the financial and time costs of trainings and traineeship programs and the precarious nature of the work and pay resulting from these trial periods, these added mobility expenses could become prohibitive and further disincentivise recruitment of UK nationals into the industry.

Several new entrant fishers in the study also supported other stakeholders' conclusions that challenges recruiting national crew are compounding, not causing the seeming uptick in the use of migrant crew on UK vessels. Specifically, that the industry is engaged in a race to the bottom to undercut crew wages to maximise profitability.¹² These practices also have the potential to sow division between migrant and national fishers.

“ I heard a vessel owner say. No – he proudly declared I can get 2-3 foreign crew for the price of one of you local lads.”
National share fisher (survey 40)

Migrant fishers' recruitment experiences and associated debt

While national fishers are recruited into the industry or job by a multitude of actors, 92% of all surveyed and interviewed migrant fishers were informed about the work opportunity through a crewing agency or recruiter outside the UK. **No survey respondent reported contact with a UK crewing agency, and in follow up questions in interviews all 16 migrant fishers reported no contact with a UK agency either – raising concerns about the industry's ability to meet their obligations under ILO C188 of ensuring that all fishers use a licensed or authorised employment agency.**

The use of third-party crewing agencies is not illegal or uncommon, and they are often highly trusted by migrants as they simplify complex processes by facilitating employment contracts, travel arrangements, and immigration documentation across national jurisdictions.⁴⁰ Though there are a multitude of crewing agencies in fishing that operate legally and ethically and do not engage in abusive practices, there is also ample evidence that crewing agencies can exploit fishers through deceptive false pretenses about their working conditions and coercive debt.^{32,40} Additionally, they can create uncertainty about who the real employer is, creating conditions that allow vessel owners to avoid their responsibilities under ILO C188. In this study's sample, of those migrant fishers that used an agency or recruiter, **less than 1 in 5 had direct contact with the vessel owner prior to their arrival in the UK**, and with the exception of one Ghanaian fisher, it was only Filipino and EEA nationals that had pre-departure contact during the recruitment process.

For non-EEA migrants, 98% engaged with a crewing agency or recruiter/broker during the recruitment process, with the only exceptions being two highly experienced fishers, a Filipino and a Ghanaian, who both worked directly with the vessel owner and reported having worked for this vessel owner multiple times before.

Additionally, **more than a quarter of all non-EEA fisher-agency interactions appear to have been with an illegal, unauthorised, or unlicensed crewing entity**, with Ghanaian fishers accounting for a third of these interactions.

More than
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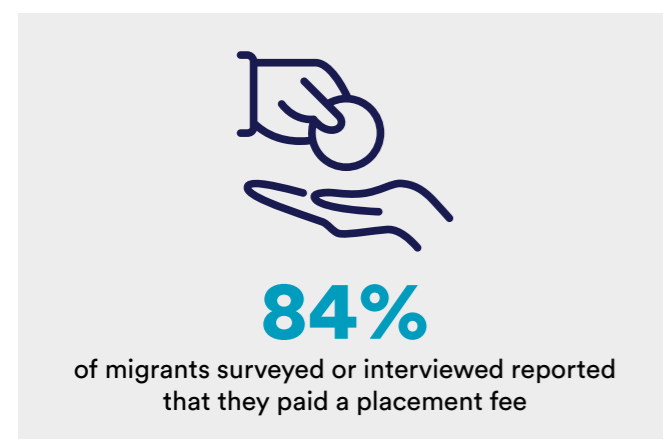
of all non-EEA fisher-agency interactions appear to have been with an **illegal, unauthorised, or unlicensed** crewing entity

This finding is consistent with previous stakeholders' assessments of the variable formality and informality of different nationalities' recruitment processes into UK fishing.¹² Due to the additional risks associated with informal agencies and recruiters/brokers,^{32,40} Article 22 of ILO C188 requires the use of authorised or licensed private employment agencies for the recruitment and placement of crew,¹⁶ **meaning UK fishing operators and authorities are failing to meet their legal responsibilities for ensuring safe recruitment of their foreign crew.**

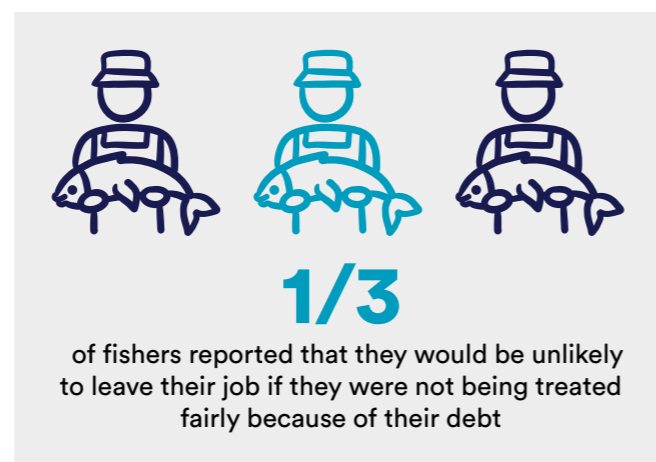
There has also long been a distinction between EEA migrants and non-EEA migrants in the UK fishing industry based on recruitment and remuneration patterns.^{13,29} However, this study found that 45% of European nationals used an agency or recruiter for their most recent work in the UK. While this is still half the proportion when it comes to non-EEA migrants, and based on a small sample size (only 11 European nationals were surveyed or interviewed), it does raise concern that recruitment and **immigration shifts post-Brexit could increase European nationals' risk of exposure to exploitative recruitment practices in UK fishing.** Especially considering that at least one eastern European fisher in the sample likely used an informal, and potentially illegal crewing agency, and two eastern European fishers used a crewing agency based in a third country (meaning not the UK nor their home country).

The use of crewing agencies in countries other than a fishers' home country or destination country is an unusual practice, as the use of a crewing agency is often predicated on trust to correctly navigate complex processes engendered through familiarity. Though these are isolated cases in the study, the use of third-country crewing agencies signals potentially irregular migrations patterns that could be extremely vulnerable to labour exploitation since they make the recruitment process both more opaque and complex by adding a third jurisdiction and the resultant legal and regulatory frameworks. The use of third-country crewing agencies will also likely be even more difficult for UK operators to ensure the agency's compliance with the recruitment requirements of ILO 188. In addition, migrants are unlikely to be able to seek remedy or recourse in a country where they have not worked and do not have citizenship. In this study, three different nationalities of surveyed and interviewed migrant fishers reported using an online Bulgarian recruiter that charged recruitment and placement fees of approximately £2,000.

For migrant fishers, the use of a crewing agency is typically associated with debt; however, **ILO C188 requires vessel owners to pay any placement fees. Despite this regulatory requirement, 84% of migrants surveyed or interviewed reported that they paid a placement fee, and 83% of those who did pay a placement incurred debt as a result.**



Debt as a potential source of coercion



For migrant fishers participating in this study, their debt, covering a range of expenses including placement fees, ranged from £730 up to £2,700 for a work placement that was expected to last 10-12 months. While none of the 16 fishers interviewed felt that the amount of debt was burdensome for a UK fishing job, one out of three fishers reported that they would be unlikely to leave their job if they were not being treated fairly because of their debt.

Accounting for fishers that reported they would be unlikely to leave their job even if being treated unfairly due to the risk of having to pay for their own repatriation, this number increased to almost one out of two fishers. **Fishers with debt equal to or in excess of £2,000 were also three times more likely to report that they felt they would be unable to leave an exploitative work situation.** In interviews, some migrants described thought patterns wherein before they even arrived in the UK, they had pre-determined that they would "accept whatever they had to" because they would be unable to leave the job because of their debt (interview 12). For example, some Filipino fishers described scenarios where the vessel owner pays the crewing agency directly. The agency then sends whatever amount the fisher had requested pre-departure to the fishers' designated beneficiary – typically a family member. The rest of the salary is then placed into an account that functions like a savings account. When the fisher returns to the Philippines they deduct all fees from this account and the fisher gets what is left. If the fisher breaks their contract and returns home sooner, the amount of their debt will have not changed, but they may be in a position where they were not paid enough money to cover all the fees and thus will be unable to pay the agency.

It also appears that using informal, unauthorised, or unlicensed crewing agencies may be a strategy for reducing upfront expenses and debt associated with taking a job in UK fishing, as the amount of debt associated with these types of agencies was significantly less than the amount of debt associated with legal entities. Another perceived benefit of informal agencies was the flexibility in their repayment plans. In particular, Ghanaian participants described taking loans from recruiters (meaning a word associated with unauthorised crewing agents) to pay agencies, or working solely with recruiters, because they did not take deductions from their salaries. Instead, the most common repayment plan cited was one where they had to pay half the amount of up front and then sent the recruiter half of their first month's salary. Or they did not pay anything up front and instead sent the recruiter their first month's salary once received. To the fishers, the stated benefit was having greater oversight over their payments since survey findings suggest payments made from a vessel owner to a crewing agency directly are more likely to incur unexplained deductions. However, globally and across sectors, informal and unauthorised recruiters are considered more likely to deceive and/or coerce workers into forced labour and human trafficking situations.^{32,40} They are also difficult to regulate, and even if their fees are less, they can expose fishers to other dangers that risk pushing them into situations of forced labour (eg failing to secure the appropriate immigration paperwork and sending them to work on unsafe or abusive vessels). As a result, it is imperative that the UK address these more informal routes to meet their responsibilities under ILO C188, and to ensure safer migration routes for fishers working in the UK industry.

Beyond the placement fees, other expenses that migrant fishers accrued for their work in fishing included onboard food (15% of participants); travel (15% of participants); and the pre-departure medical exam (almost half of participants). Notably, having to pay for travel could also be a violation of ILO C188 and UK regulation; though it is unclear if these expenses are related to travel to the UK or travel from the migrants' local communities and towns to international travel hubs. Nonetheless, it is concerning that 1 out of every 2 migrants that paid for travel took on debt for it. **The almost 50% of migrants reporting that they paid for their own pre-departure medical exam,** required under ILO C188, suggests that vessel owners may be cutting financial corners in an attempt to save money by having workers: 1) pay for the exam themselves and 2) take the exam in their home country. Though vessel owners are not required to cover the costs of medical exams, it is concerning when financial burdens are consistently being placed on the fishers.

These findings about recruitment processes and debt, particularly for migrant workers, suggests a potential widespread pattern of dereliction of oversight and obligations under UK regulation by industry actors. This is also concerning because the actor(s) recruiting a fisher into the job or industry are also likely to be involved in facilitating the contractual terms required under the fishermen's work agreement provisions of ILO C188.

Fishermen’s work agreements and remuneration

As a signatory to ILO C188, every fisher working on a UK-flagged vessel is required to have a contract, known as a fishermen’s work agreement (FWA), regardless of how they are remunerated.^{12,16} Table 1 details the minimum required components to be included in each contract based on how the fisher is remunerated.⁴¹ In this study 100% of national fishers were financially compensated for their work through a percentage of the gross earnings of the catch landed (that is a share of catch), thus they are classified under UK law as *self-employed*. On the other hand, 100% of non-EEA migrant fishers reported being compensated based on a fixed monthly wage, thus classified as *employed* under UK law. These findings are consistent with previous research.¹² However, there was more heterogeneity amongst EEA fishers than previously supposed.⁴² Of the European nationals that disclosed both nationality and remuneration type, 42% were compensated through a catch share; 33% were compensated through a combination of a catch share and fixed wage; and 25% were compensated through a fixed monthly salary. These differences appear to be driven by length of time working in UK fishing, versus nationality, due to the ambiguities around visa and employment statuses for European fishers that remain post-Brexit.¹²

Table 1. Minimum requirements of the fishermen’s work agreement for employed and self-employed fishers in the UK.

	Employed/Fixed Wage	Self-Employed/Catch share
Required	Name of fishing vessel owner or employer	Name of fishing vessel owner or employer
	Vessel name	Vessel name
	Role onboard vessel/job title	Role onboard vessel/job title
	Arrangements for food and potable water	Arrangements for food and potable water
	Wages and payment schedule	Payment of catch share based on % of gross earnings
	Means of payment of wages	Fuel deduction calculation
	Overtime rate	Food costs/day
	Normal hours of work	Other deductions
	Length of agreement (by period of time, voyages, or indefinite)	Length of agreement (by period of time, voyages, or indefinite)
	Social security benefits (sickness, injury, death)	Social security benefits (sickness, injury, death)
	Paid leave	Paid leave
	Repatriation (mode of transport, where to, and maximum duration of service to which you are still entitled to repatriation)	Repatriation (mode of transport, where to, and maximum duration of service to which you are still entitled to repatriation)
	Grievance procedures	Grievance procedures
	Disciplinary rules and procedures	Disciplinary rules and procedures
Pension benefits (or statement of no benefit to entitlements)	Pension benefits (or statement of no benefit to entitlements)	
If possible/ If can be determined	Voyage or voyages to be undertaken	Voyage or voyages to be undertaken
	Place and date to report for on board service	Place and date to report for on board service

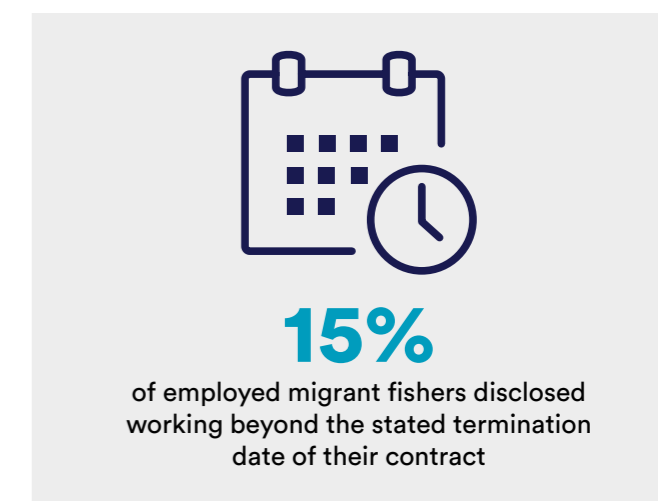
Absence of FWAs for national share fishers

Findings from the survey suggest that many national share fishers still lack FWAs, with only 28.5% reporting having a FWA, though two of these were purportedly verbal agreements and thus did not meet the requirement of a FWA which must be written. Besides being non-compliant with UK regulations, the low use of FWAs may also signal increasing precarity in fishing work for younger national share fishers as some new entrants (less than one year of experience) reported that they were asked to work on a vessel for 1-2 trips to “prove themselves” before being offered more secure or longer-term opportunities (survey 20). This insecurity may also be stoking animosity between national share fishers and employed migrant fishers as some new entrant national fishers perceived migrant fishers as having more secure employment because of their 10–12-month contracts and absence of “trial periods” (survey 89). However, during the consultation processes prior to the ratification of ILO C188 in the UK, many national fishers expressed concern that the mandatory use of FWAs threatened the traditional culture of share fishing,⁴⁵ which may also be reflected in the low use of FWAs.

Pervasiveness of illegal FWAs for non-EEA migrant fishers

Since the UK’s ratification of ILO C188, there have been concerns that many employed migrant fishers’ contracts are non-compliant with the minimum requirements of FWAs, thus these migrant fishers are being made to work in violation of the terms of working UK regulations.¹² This is, in part, due to the employment contract often being issued by the migrant fishers’ in-country crewing agencies, instead of a UK entity, raising validating concerns about the lack of oversight previously noted. Indeed, of the non-EEA migrants surveyed or interviewed in this study, only 15% of Filipino fishers and 14% of Ghanaian fishers had a FWA with the vessel owner, and many of these were still incomplete in that they did not contain all the required terms in Table 1. No other non-EEA migrant reported having a contract or FWA with the vessel owner. While ILO C188 does not mandate that an employment contract must be between a vessel owner and fisher,¹⁶ it is encouraged and should be considered best practice since other contractual arrangements create a diffusion of responsibility, wherein vessel owners can ignore their responsibility to ensure contracts are compliant by placing blame on crewing agencies. This diffusion of responsibility can also make it more difficult for fishers to obtain remedy or recourse since the jurisdiction of the employment contract differs from the place of employment.⁴⁴

The average length of a contract for employed migrant fishers was 10.8 months, with Filipinos most likely to report a 10-month contract with the option for it to be extended an additional two months and other nationalities more likely to report fixed 12-month contracts. This benchmark of 12-months is due to requirements that the maximum service period not exceed 365 days.⁴⁵



Almost 15% of employed migrant fishers disclosed working beyond the stated termination date of their contract, ranging from four months to almost two years beyond the originally specified length. In interviews, fishers reported that they were “forced” to continue to work because there were no new migrant crew to replace them due to the ongoing COVID-19 pandemic (interview 1). However, some of these fishers had contracts that ended in the summer and autumn of 2021 when travel restrictions globally (and in the UK) were lifted or reduced. This raises the potential that it was not about the possibility of acquiring new crew, but rather the cost of acquiring new crew as it was likely cheaper to ‘hold’ existing crew rather than spend money for return and arrival flights. Forcing a fisher to work for longer than the period of time agreed upon pre-departure, can be an indicator of forced or compulsory labour.⁴⁶

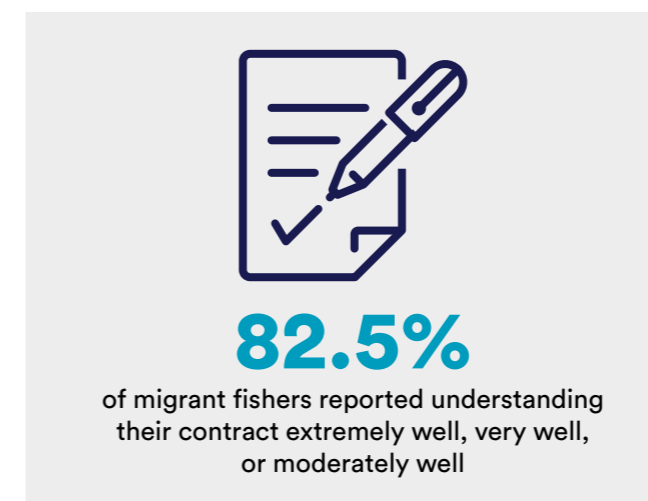
Some of the interviewed fishers expressed concern about the precarity of working beyond their original contract with no new contract, namely: 1) they feared they were working illegally in the UK and could be deported and banned from returning to work in the UK for five years; 2) they were uncertain if they were still entitled to emergency medical care; and 3) they worried that the vessel owners would no longer pay for their repatriation. In fact, one fisher (interview 7) who had recently returned to his country of origin reported that he had overstayed his contract by almost one year and that he was forced to cover the expenses of his repatriation. As a result, his family borrowed money from his crewing agency, resulting in debt, and forcing him to take on a new contract on another foreign-flagged vessel almost immediately. Two participants “begged the boss to let me go home,” with one of those participants sustaining a career-ending injury during this uncontracted time which delayed his return home even longer due to the serious medical treatment required (interview 2). He also reported that the vessel owner initially refused to continue to pay his wages while he received medical care, a requirement of the FWA, which he believed was because he did not have an active contract. Ultimately payments only began after intervention by welfare organisations.

Additionally, at least three fishers reported financial penalties with their crewing agencies and loan providers as a result of overstaying their contracts (surveys 35, 102, 104) due to a confluence of events. First, all three fishers were paid directly by the vessel owner or skipper, typically in cash, each month. Second, due to this payment scheme, they were required to pay the remaining balance of their loans when they returned to their home countries. Third, they were not allowed to disembark the vessel in order to send remittances to their family so that their family could pay the loans.

“ I took a loan to pay the money and had to pay the debt when I return to Ghana. But because I return six months late, I had a lot more debt then. They say I had to pay 17,000 cedi. It was only gonna be 10,000 cedi. You see, 7,000 cedi because I not go home.”
Ghanian fisher (interview 11)

Article 16 of ILO C188, requires that the FWA is comprehensible to the fisher, and this is widely interpreted by workers’ representatives as meaning the FWA should be written in the fisher’s preferred language.^{47,48} Some of the countries sending migrant fishers to the UK, such as Indonesia, also have migratory worker laws that require employment contracts to be written in the fisher’s preferred language.⁴⁹ However, **almost 16% of migrant fishers surveyed reported their contract was not written in their preferred language.** Of those fishers without a contract in their preferred language, only two reported understanding their contract terms extremely or very well, and one of those participants was a European national (presumably with a higher proficiency with English) (survey 67). An additional six of these fishers reported understanding their contract moderately or slightly well, with years of experience and having previously worked for the vessel owner or skipper attenuating risks associated with understanding contractual terms. The remaining four fishers without a contract in their own language reported not understanding their contract at all and were all denied the opportunity to ask questions about their contract and three of the four reported having insufficient time to read their contract. Combined, these conditions alert to the possibility of coercion – an element of forced and compulsory labour.^{46,50}

Within the overall sample of migrant fishers, 82.5% reported understanding their contract extremely well, very well, or moderately well. This is significant because often industry and industry rhetoric, such as migrant fishers’ do not understand the nature or difficulties of the job, is used to minimise or even dismiss fishers’ grievances.⁵¹



Another required component of the FWA is benefits related to sickness, injury, or death of the fisher. However, 50% of migrant fishers reported that this was either not included in their contract or they were unsure if it was included. This would suggest that these fishers are not signing ILO C188 compliant FWAs, and thus could unknowingly be working illegally in the UK based on the actions of the recruiter, crewing agency, or fishing company. If a fishing company wants to hire foreign labour, then the onus of ensuring that the migrant fishers’ contracts and immigration paperwork are compliant should be on the company. Instead, companies are displacing the risk onto workers, which can have implications for how authorities respond wherein exploited workers may first and foremost be considered as violators of immigration law.¹²

Crucially, 1 in every 5 migrant fishers answered that they did not have a signed copy of their contract, which beyond being illegal under C188, could also limit their opportunities for remedy or recourse and result in them being deported and unable to return to the UK for work for five years. This is because the characterisation of a FWA as compliant or non-compliant is an instrumental component in how authorities conceptualise the legality of the fishers’ immigration status.¹²

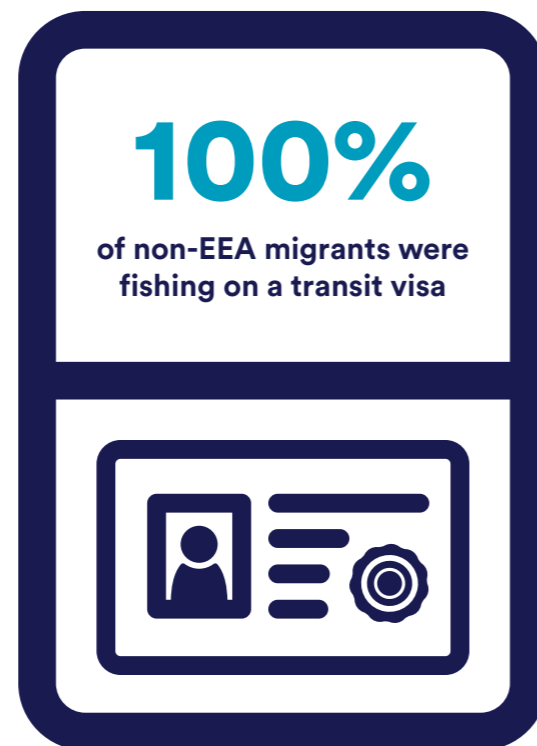


Findings: Immigration related vulnerabilities

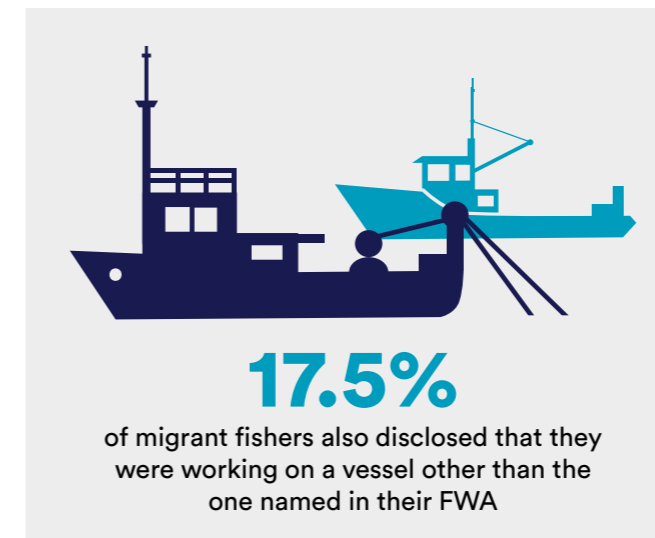
Findings from the survey and interviews corroborated stakeholder accounts that **non-EEA migrant fishers continue to ubiquitously enter the UK on transit visas** that exploit a lack of clarity in UK immigration law and confusion regarding the differences between regulations for seafarers and fishers (see International Transport Workers’ Federation briefing for full details).¹² This is despite the availability of skilled worker visas to fishers, which were welcomed by the fishing industry.²¹ Specifically, 95% of all migrant fishers reported entering the UK and working on UK-flagged fishing vessels via a transit visa. The six participants accounting for the remaining 5% of fishers in the study that did not enter or work on a transit visa were all EEA nationals who were fishing in the UK pre-Brexit and still awaiting clarity on their immigration requirements and status (updates are expected in June 2022).¹² This also means that half of the EEA nationals in the sample also entered or were working on transit visas, again suggesting a potential upcoming shift in their own precarity.

Constructing notions of migrant fisher “illegality”

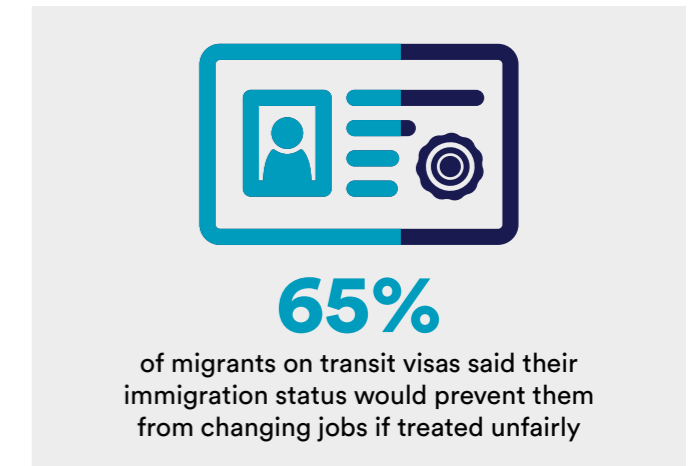
As a result of the widespread use of these transit visas, migrant fishers lack legal entitlement to work in the UK and are required to work ‘a majority’ (which is currently legally undefined) of their time beyond the 12 national mile boundary, although this is not quantified or explained and open to interpretation – making enforcement difficult.¹² They also have no legal authority ‘to enter’ the UK when returning to port following their first fishing and repeatedly thereafter for the duration of their 10-12 months contract. As a result, they are: forced to live on board the vessels, creating multiple dependencies that can be readily exploited by vessel owners; exempt from labour market regulations such as national minimum wage; and denied healthcare access except in the case of emergencies (which is also ambiguously interpreted).¹²



Additionally, **their insecure immigration status was compounded by the abundance of ‘illegal’ FWAs that are non-compliant with ILO C188.** Beyond the non-compliance issues with FWAs already discussed in this report and data, 17.5% of migrant fishers also disclosed that they were working on a vessel other than the one named in their FWA. Though ILO C188 permits a fleet of vessels to be listed on the FWA as long as they are operated by one employer,⁵² the transit visa requires the fisher to work on a named singular vessel as its actual purpose is for a seafarer to join a vessel and depart from the UK.¹² **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/or work.** More alarmingly, though, was that three fishers reported being transshipped at sea, an activity that is highly associated with the most egregious forms of forced labour, human trafficking, and modern slavery.⁵³



Both surveyed and interviewed migrant fishers described being hyper-aware of their immigration insecurity and uncertainty. Specifically, 65% of migrants on transit visas (that is non-EEA migrant) stated that it would be extremely or somewhat unlikely that they could change their jobs even if being treated unfairly due to their immigration status.



This is because the transit visa ties them to a singular employer and vessel and does not allow them the opportunity to switch employers. This is nearly identical in nature to the UK’s domestic worker visa which for years has been scathingly critiqued for legalising and disproportionately increasing rates of exploitation and modern slavery. However, the transit visas used for fishers have yet to receive the same amount of attention despite operating the same way. **As a result, there is a clear tension for fishers between seeking help and being deported and therefore unable to return to the UK for five years – even when being treated unfairly, abused, or exploited, migrant fishers must make a decision between their current working conditions and future work opportunities in the UK.**

“ Putting your head down and getting on with it is easier than saying no if you want to work in the UK again.”
Filipino fisher (interview 3)





2/3

of migrants with insecure immigration status reported feeling unable to report grievances or cases of abuse and exploitation

Similarly, two out of every three migrants with insecure immigration status reported feeling unable to report grievances or cases of abuse and exploitation out of fear that the government authorities would prioritise their immigration status (that is treat them as “illegal immigrants”) over the harm they had experienced and that they would face serious personal consequences as a result. For example, numerous migrant fishers discussed the inability to return to fish in the UK for five years if they were found to be in violation of immigration law. This tension between decent work (ILO C188) and modern slavery (MSA) enforcement and immigration law is not uncommon and well documented across different sectors in the UK.⁵⁵ This makes migrants more vulnerable to abuse and exploitation, as abusers capitalise on this fear to act with impunity because they are unlikely to be held accountable.

“ Even if father, if father help me call police, it no matter. Why? The boss, he say oh he broke his contract he needs to be punished. He will fake things to prove I broke the contract. He will say I left the port no permission. Look at me. The police believe the owner. Not me. We hear stories all the time from the others. We are the ones who are trouble for the police. The boss. The boss. Nothing happen to the boss when he do the things.”

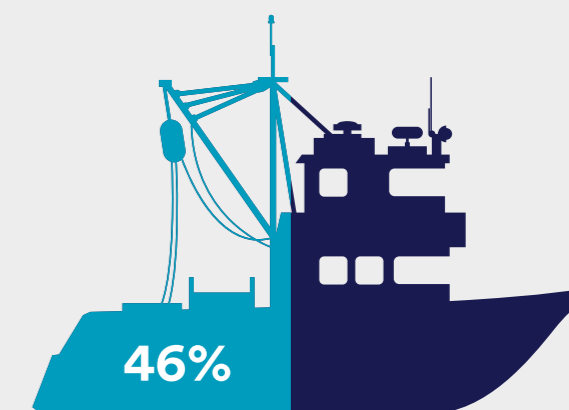
Sri Lankan fisher (interview 7)

This immigration precocity also gives vessel owners and skippers more power to control fishers in potentially exploitative ways, and discourages and reduces help-seeking behaviors. Though the transit visa does permit temporary shore leave outside of the port, an application for this leave must be made (typically by a vessel owner or skipper) meaning a fisher is unfree to leave without the vessel owner or skipper’s consent. In practice, the transit visa thus gives vessel owners and skippers the power to dictate where the fishers can go and who they can interact with outside the port. Numerous fishers, particularly those working on vessels in Northern Ireland, described a process wherein they had to obtain permission from the skipper; disclose when they were leaving, who they were with, where they were going, who they were meeting, and when they would return; and sign a permission slip to leave. As a result, they reported it was common for shore leave to be denied on the basis of who they reported they were meeting and they were threatened with disciplinary action if they did not comply by providing full details or lied about who they were meeting. Per two migrant fishers employed on a Northern Ireland vessel, this process made them feel “threatened” and directly discouraged them from leaving the port to seek help when they were being physically abused (interviews 1 and 2).

“ Because of the visa, you have to stay on that vessel. If you leave that vessel for help then maybe you can’t work. You just wait with no money. Or if you ask for help they will just call the agency and say you broke your visa and you will have to pay for your travel home.”

Filipino fisher (interview 6)

Vessel owners also appeared to derive power from controlling the workers’ living situation. Almost all fishers in the study reported living on board the vessel for the duration of their contract. In fact, only three non-EEA migrant fishers in the whole sample indicated that they have onshore accommodation. **Almost half (46%) of the migrant fishers also reported that they did not even disembark the vessel or leave the port because of immigration concerns and immigration threats made by the skipper or vessel owner** (eg reporting to police or their crewing agency).



46%

46%

of migrant fishers reported that they did not even disembark the vessel or leave the port because of immigration concerns and threats made by the skipper or vessel owner



Arriving in the UK

Whether their transit visa was issued through a process at the border or pre-departure,¹² many fishers report that their point of embarkation was described on their contract even though it is not a requirement (it is a suggested element). However, 10% of migrant fishers boarded the vessel in a different port than they anticipated. While some of these may have justifiably been due to the vessel's location, **there were also irregular patterns seemingly of purposeful deception that could signal potential instances of human trafficking.** For example, one participant described not knowing where they were because they were transported via a ferry, van, and fishing boat that they were on for transit, not work, before ultimately boarding a vessel for work that was not the vessel named in their contract or visa (survey 91).

Once in the UK, findings from the study suggest that migrants have contact with a wider set of ports than previously supposed. Figure 3 a) shows all ports that participants in the study had contact with, while b) shows the port contacts most frequently cited by participants. A full list of all the reports is included in the appendix. Contact with some of these ports also raises concerns that migrant fishers may not be fishing 'mainly' or 'wholly' outside the 12 nautical miles as required if they are working on a transit visa. But again, migrant fishers cannot control where a vessel fishers, but they are more likely than vessel owners to incur the consequences.

Figure 3. Migrant fishers' interactions with UK ports



Findings: On board living and working conditions

One of the most distinct characteristics of the fishing industry is that fishing vessels are mobile sites where crew both live and work.¹⁹ However, as the International Director of Stella Maris, Father Bruno Ciceri often notes, fishing vessels were designed to house fish, not people. This dual purpose of living and working can present challenges to understanding what decent work in fishing looks like in practice. In the UK, this is often further complicated by the use of hybridised crew wherein multiple nationalities, on differing remuneration schemes, may work together. Thus, while all fishers face challenging working conditions, immigration and language vulnerabilities underpin the differential impacts of these working conditions on migrant and national fishers.

On board living conditions

ILO C188 exempts non-new vessels from the on board accommodations' measures, thus, a wide variety of working conditions were noted in the survey and interviews, and there were no significant differences between national share fishers and migrant fishers in terms of the perceived quality of the accommodations. However, considering that migrant fishers live on board these vessels for up to a year, there needs to be a minimum set of assurances to meet basic needs. For example, some fishers discussed that they had to wear the same dirty clothes for a year because they could not access washing facilities because they were not allowed to leave the port and there were no facilities to wash their clothes on board or in the port. Another migrant fisher reported that his vessel lacked washing facilities and that he was only allowed to bath at a specific time once a week at a shower in the port. If the vessel had not returned to port yet, and he missed his time, he would be unable to wash for another week.

Over 80% of respondents in the survey, regardless of nationality, reported poor or terrible quality and quantity of water. In follow up interviews with fishers, many fishers reported that there was often a short supply of clean water and that as a result some fishers resorted to alternative water sources. For example, one Indonesian fisher described collecting condensation from the refrigeration system used to chill the fish for drinking water (Survey 81).

Interviewed migrant fishers also disclosed systematic misinformation about on board accommodations. Of the 16 fishers interviewed, 13 reported that individuals involved in their recruitment processes showed them photos of newer vessels with more amenities than the vessels they worked on when they arrived in the UK. This also appears to be a long-standing practice, with reports from as early as 2011 revealing the same concerns.⁵⁶

Working and rest hours

Migrant fishers reported that the most notable gap between their contract and reality was in relation to the working and rest hours, with less than 20% of all migrant workers reporting that their contract described their working and rest hours extremely or very well. On the contrary, half of the migrant fishers surveyed and interviewed reported that the working hours noted in the contract were not accurately described at all (or only slightly accurately) in comparison to their lived experience. This failure of promised working conditions materialising could again signal potential situations of forced or compulsory labour based on deception that denies the fisher the ability to make an informed decision about accepting the work.⁴⁶ An additional 12% of workers stated that the working and rest hours were not described in their contracts at all – again alerting to potentially illegal contracts.

This research found that violations of the ILO C188 working hour directive are pervasive across the UK fishing industry. Regardless of nationality or remuneration scheme, 60% of all fishers in the study reported working on average a *minimum* of 16 hours a day, with more than 1/3 reporting working on average more than 20 hours per day. Under the working hour directive of ILO C188, all fishers must receive at least 10 hours of rest in a 24-hour period and at least 77 hours of rest in a seven-day period.¹⁶ However, of the 124 fishers surveyed or interviewed, less than 5% of fishers *always* received at least 10 hours of rest in a 24-hour period and less than 15% of fishers *always* received at least 77 hours of rest in a 7-day period. This suggests that upwards of 95% of fishers sampled were working on vessels not in compliance with ILO C188.

On the other hand, more than 25% of fishers reported *never* receiving at least 10 hours of rest in a 24-hour period and more than 1 in 5 fishers reported *never* receiving at least 77 hours of rest in a 7-day period. Excessive working hours without paid overtime are considered a hallmark of involuntary work and potential indicator of forced or compulsory labour.^{46,50}

On board vessels, mixed nationality crew present direct challenges to the working hour directive. While the share of catch system incentivises long working hours for national share fishers, there is no reward for migrant fishers unless they receive a cash bonus for catch (which this study's findings suggests rarely happens). Additionally, some migrant fishers suggested that even at sea working hours were racialised, with a Ghanaian interview participant stating, "At sea, when there are mistakes and problems, it is us, only us foreigners who have to fix them" (interview 9).

“ *The captain gives the jobs and you cannot get off or rest until the job is done. Sometimes there are men in the port watching, making sure you keep working and do all the jobs.*”
Indian fisher (interview 15)

While both migrant and national fishers are subjected to long working hours while at sea due to the nature of the work, when a vessel is in port, domestic crew return to their homes while migrants are often told they must do additional work on board the vessel to “pay for” their accommodation; therefore, working even on their rest days (interview 11). Foremost, this work could jeopardise migrant fishers’ precarious immigration status by having them clearly work within the 12 nautical miles, which should require a work visa. Additionally, beyond contributing to excessive working hours outside the scope of their contracted hours, a potential indicator of forced labour, several migrant fishers described this additional work as preventing them from disembarking the vessel, which could meet the threshold for restriction of movement – another indicator of forced labour (cite). Specifically, some fishers disclosed that vessel owners and skippers would surveil the completion of these in-port tasks and chores, and that the migrant fishers would be punished if they were found to not be working.

These factors thus forced the migrant fishers to complete the work, even if it was outside the scope of their contracted work or contracted hours, and prevented them from leaving the vessel. Per a Ghanaian interview participant (interview 8):

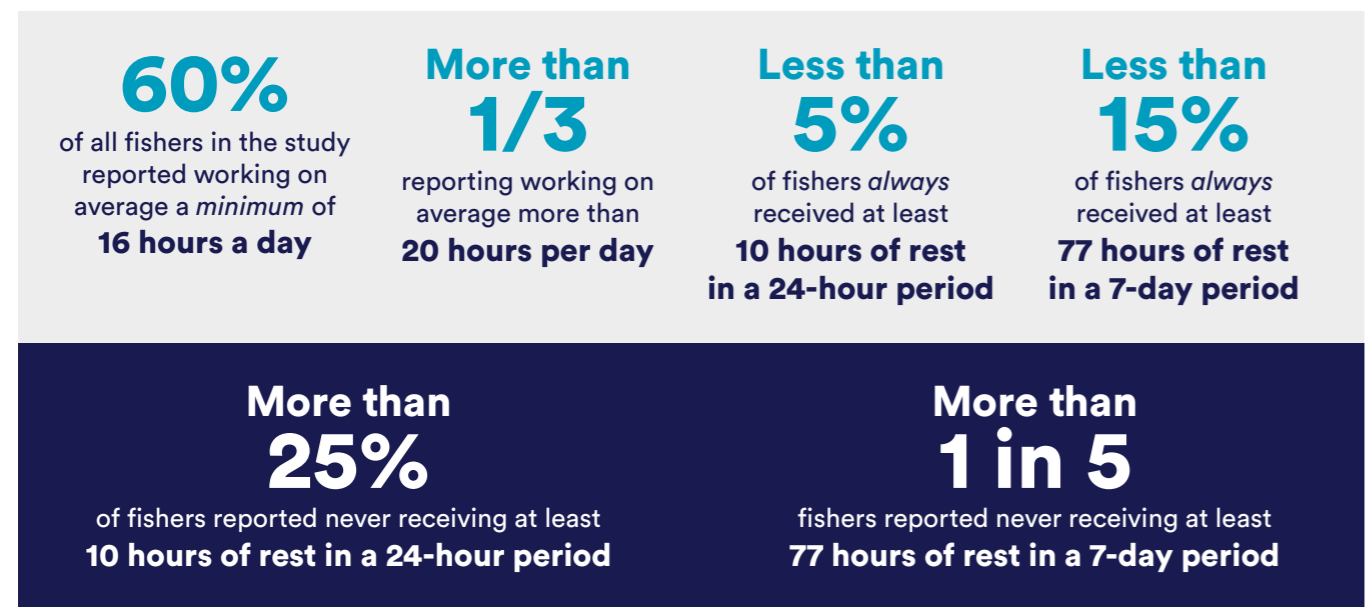
“The boat owner son and captain come once a day to check we are still there and still working. One day we was resting and so they took our heater from us. We are Africans living on a boat in the cold now with no way to stay warm except our clothes.”

Examples of work that migrants are required to do in port include changing or removing vessel gears (common on vessels that both trawl and dredge depending on season); making repairs to the vessel and its equipment; and cleaning the vessel. As described by a Filipino interview participant (interview 5):

“When in port, there are lots of jobs you have to do. Filipinos, we bring the gear out the vessel. We have to fix some things. You know, some cable wire. Then we have to grease and oil some things. We do lot of jobs back in port. Mostly it is all the time and sometimes it’s just some of the time.”

Migrant fishers also expressed frustration that at times it felt like skippers and vessel owners purposefully created excess work for them. For example, a Filipino fisher recounted an incident where the skipper purposefully dirtied the vessel before disembarkation to use as justification for denying his shore leave (survey 53).

Additionally, surveyed and interviewed Indian and Sri Lankan fishers reported being forced to engage in unpaid domestic work at the homes of skippers and vessel owners, including cooking, cleaning, and gardening in addition to their normal work. In these instances, not only should they be entitled to national minimum wage and social security entitlements, but they are being forced to work in violation of their transit visa, another indicator of forced labour.⁴⁶



Salary, payments, and wages

These patterns in working hours are fundamental to understanding exploitative salary, payments, and wages across the UK fishing industry. In 2020, the national minimum wage regulations were extended to fishing in UK waters in the National Minimum Wage (Offshore Employment) (Amendment) Order 2020. However, this guarantee does not apply to non-EEA migrants on a transit visa since they are supposed to be working outside the 12 nautical mile boundary.¹² Also exacerbating the differential impacts on non-EEA migrants is the aforementioned bifurcated remuneration system. On vessels with hybrid crews, this can incentivise longer working hours to augment the catch for national workers, while migrant crews' pay can be legally reduced to well below the minimum wage.⁵⁷

Migrant fishers report systematic overwork and underpaying

Migrant fishers on a share of catch or a hybrid share of catch plus fixed wage remuneration scheme (that is European nationals who had been fishing in the UK pre-Brexit) reported an average income of £45,000 - £55,000 per year.

Employed migrant fishers receiving a fixed wage reported monthly wages ranging from £400/month to £1,500/month, with an average of approximately £1,100 pounds per month. **When adjusting for reported catch-based bonuses, debt, and average hours worked, migrant fishers made approximately £3.51 per hour - less than one-third of national minimum wage.** This is also likely an over estimate of their hourly wage since it does not account for hours spent in port working and uses the lowest number of hours in the average range of hours worked they reported. However, this average wage per hour varied considerably from £0.78 to £8.26 per hour. Survey respondents that reported being re-employed by the same vessel owner or skipper were two times more likely to make a wage of £1,250 or more per month when controlling for other factors such as years of experience, position on vessel, and nationality.

On average migrant fishers made

£3.51
per hour

All five participants reporting income equal to or less than £500/month were Indonesian fishers, primarily working on what was assumed to be Anglo-Spanish trawlers based on the vessel characteristics and port information recorded in the survey responses. Notably, all five of these individuals were also working in the UK for at least four months, and in some cases more than six months, before they received their first payments. This appears to be a result of the debt repayment schemes with their crewing agencies in Indonesia, as each described the vessel owner paying the crewing agency directly and then the crewing agency deducting all debt before sending salary payments directly to their families. All five of these fishers reported debt to crewing agencies associated with accepting their current position in excess of £2,000, ranging from £2,200 to £2,700.

“The captain, always say I like Indonesians because they are the cheapest. I make more money with Indonesians.”

Indonesian fisher (interview 14)

Excluding EEA-migrants on a fixed wage due to small sample size, **nationality was a significant predictor of monthly wages.** Results suggested the following hierarchy ranked from highest to lowest payment:

1. Filipinos
2. Ghanaians
3. Sri Lankans and Indians (no significant difference between them)
4. Indonesians

In addition, Filipinos (8 in total) were the only non-EEA nationality in this study to report receiving cash bonuses in addition to their fixed wage. This cash bonus was typically 50p per box of fish, yielding an additional £100-£300 per month in addition to their fixed wage.

A well-documented problem for many years now,^{12,13,29} surveyed and interviewed employed migrant fishers were acutely aware that they were paid less than British nationals for the same, and often additional, work. Furthermore, interviewed fishers expressed frustration that vessel owners and skippers would purportedly hire migrants for their expanded skill sets; yet, still pay national fishers more money despite being “less-skilled” and “less experienced” than their migrant counterparts. **Even national share fishers reported concerns about unequal pay, writing, “I make between £600 and £1,000 per trip (each trip is 5-7 days) and the foreign crew make £1,000 for the whole month” (survey participant 34).**

Dynamics of crew shares for national fishers

For surveyed UK national fishers, their reported crew share ranged from 3% to 25%, though some fishers on the lower end also reported receiving a fixed wage to supplement their compensation. Across the sample, the average share was 12% and years of fishing experience and number of crew on board was the only significant predictor of share percentage, with more experienced fishers receiving a higher share. Additionally, national share fishers without a FWA were more likely to report variability in the percentage of their share of gross landings, with some reporting variability up to a 10% difference per trip. For example, one fisher wrote, “my share varies from 10%-20% per trip – a trip is usually 5-7 days.”

Converting share percentage to amount paid, national share fishers reported ranges of £600-£1,500 per trip (which was mostly specified as 5-7 days in length equating to amount per week), and £2,200-£6,000 per month.

Younger, new entrants (less than 1 year experience) all reported receiving shares at 8% or lower, which they identified as a significant financial barrier to entering the industry, particularly if they incurred travel or accommodation expenses for an opportunity further from their home. New entrants were also more likely to report pay disputes than more experienced national fishers.

Safety risks

In addition to excessive working hours contributing to exploitative pay and illegal working conditions, study participants also described a relationship between these excessive working hours and safety. For example, interviewed migrant fishers described the extreme working hours and lack of rest due to port work as causing fatigue that led to more on board accidents, but survey results indicate the same relationship for national share fishers. Using statistical testing for the entire sample, there was a significant relationship between rest hours and injuries, with fishers receiving less rest being more likely to report an injury. In this sample, **full days off for rest in between trips was more influential in reducing injuries than working shorter days.** This again highlights disparities between employed migrants and national share fishers in that on vessels with hybridised crew working on average 16 or more hours a day, migrants have increased injury risks because they have not had adequate time to rest between trips. Amongst the sample of interviewed and surveyed fishers, 25% of migrants reported being injured on their current or most recent work experience, and of those injured fishers, two out of every three reported working on average 16 hours or more a day, while more than half reported working on average more than 20 hours per day.



25% of migrants reported being injured on their current or most recent work experience

The high occurrence of injuries is also important considering that migrants are only able to access *emergency* care due to working on a transit visa. In interviews, migrants expressed that they themselves, skippers, and vessel owners were often unsure of what constitutes an emergency. In several instances fishers sought medical care too late (either because they were fearful of incurring expenses if it was not deemed an emergency or because the skipper or vessel owner did not give them the permission required under the transit visa to leave the port to seek medical care), resulting in debilitating injuries such as infections leading to appendage amputations (interviews 2 and 8). Some interviewed fishers also expressed concern that injuries to migrant workers were not being reported to the MCA, again impacting their ability to seek and receive medical care under the constraints of the transit visa. At least two fishers stated **their injuries were not reported to the MCA until several weeks (interview 2) to several months (interview 8) after the accident occurred**, which again resulted in more debilitating injuries. Unprompted, nine out of 16 (in other words more than half) interviewed fishers spontaneously stated that they felt greater access to health care, including having a general practitioner in the UK, would improve working conditions on UK vessels for migrant fishers. This was, in part, because they struggled to make appointments with specialists after severe injuries without a referral from a general practitioner.

“That’s where we sleep and that’s where we cook so we can eat. That’s where we do everything. If we don’t work, where do we go?”
Ghanaian fisher (interview 10)

Additionally, the transit visas essentially authorise certain exploitative labour practices. Migrant crew on a transit visa are considered to be in the UK illegally if the vessel named in their contract departs without them.¹² Thus, migrant fishers described instances where they were told they had to work on the vessel, even when injured, and were threatened with reporting to the police and authorities for immigration violations if they did not work (interviews 2 and 8 experienced this situation and interview 1 and 7 witnessed it happen to other crew). As a result, one of the fishers, exacerbated his existing injury ultimately resulting in a career ending injury. Even if a skipper or vessel owner does not force the worker back on board the vessel, the abuse of onshore accommodation essentially incentivises fishers to go back to work because they would otherwise have nowhere to stay.

“When you make a mistake, they hid the helmets and life vests in a locked cupboard. So we can’t use ‘em.”
Filipino fisher (interview 5)

Beyond the safety risks associated with excessive and sometimes extreme working hours, fishers also reported safety being leveraged as a psychological and physical threat. Specially, interviewed Filipino fishers described a culture of fear wherein they were afraid to mess up, ultimately leading to more accidents. In some instances, mistakes also lead to the withholding of safety equipment, creating a cycle of risk. Forcing people to work in hazardous conditions (eg out at sea without a life jacket) can also be an indicator of forced labour,⁴⁶ and some fishers talked about how they were told stories about migrant fishers being killed because they weren’t wearing helmets or life jackets.

Abusive working conditions



Findings from this study suggest that abusive working conditions are rampant across UK fishing, with less than 30% of all participants stating that they had *never* been threatened with any of the following: loss of salary; worsening of working conditions; withdrawal of on board privileges; insults or psychological trauma; reporting to authorities; or physical or sexual violence. While regular insulting was the most commonly reported abuse, **more than 1 in 3 fishers in the sample disclosed being threatened with or experiencing physical or sexual violence – including two fishers who reported violent sexual assaults.** These threats also influenced a multitude of decisions made by fishers from migrants deciding to report grievances (eg one fisher wrote that he could not safely report a grievance because “they would kill me” [survey 26]) to national fishers not accepting another contract/position with the same vessel owner, which has implication for new entrants’ socioeconomic mobility in the industry (meaning increasing their share of catch) (survey 83).

Though an indicator for forced labour,⁴² witnessing threats or abuse against a fellow crew member does not appear to often be considered in assessments of working conditions; however, based on this study’s findings it appears to be a common mechanism for skippers and vessel owners to ‘control’ migrant labour. **More than 60% of the surveyed and interviewed migrant fishers reported hearing about or seeing their fellow countrymen be threatened or actually abused physically, sexually, or psychologically** and that this contributed to their perception that they could not leave an abusive working environment or report a grievance safely.

Racism and discrimination

Research findings also suggest that the role of racism and discrimination cannot be overlooked in institutionalising exploitative labour practices and abusive working conditions. Both national and migrant fishers described a UK fishing industry wherein racism and other forms of discrimination were pervasive and endemic. **Just under 75% of migrant fishers reported feeling discriminated against by their skipper,** and several national fishers described watching migrant fishers being discriminated against. Too often the rhetoric in the industry has been that migrant fishers come from low-income countries and the UK-fishing industry is helping them, even when it pays them on average £3.51 per hour, because that is more money than they would make in their country of origin and the working conditions are better than those on Chinese or Taiwanese fleets. However, these are false equivalencies and ‘less bad’ does not equate to ‘good’ or ‘decent.’ If these fishers have been recruited to work in UK fishing, then they should be entitled to the same rights and benefits of as other fishers.

Beyond the inequitable distribution of socioeconomic harm,⁵⁸ as demonstrated in the systemic overworking and underpaying of migrants, racism and discrimination permeate multiple dimensions of work on board the vessels. In interviews, migrant fishers shared narratives of needing to be the good immigrant or good migrant in that they must earn the right to be treated fairly and humanely through hard work.⁵⁹ For example, one Ghanaian fisher (interview 11) stated:

“The Africans, once you board, you always have to work. There’s a pressure. For me, always. There’s something that has to be done. Even if you’re not in the port. If the skipper is around you have to do something to impress him. You have to show him that all the Africans are working. You have to be a hard worker to impress him. You want to be one of the good foreigners.”

In these ‘good migrant’ narratives, migrant fishers’ are reduced to their labour, depicted as having nothing more to offer than their work.

“They say it is about safety and training and blame the migrants. They say oh we don’t have the training. We know what we are doing, they just don’t listen to our experience. We know much about the sea, but they hire us cheap, but we’re not the inexperienced one. Yes, the system is different, you have to learn from the captain, but we’re more than obedient cheap labour.”

Ghanaian fisher (interview 8).

Additionally, most of the migrant fishers who reported physical or psychological abuse also reported expressions of underlying racism during the abusive incidents, and that they felt the racism and/or discrimination was a factor in the abuse. Further, they felt compelled and forced to “just take it” (referring to the abuse) to avoid being reported to authorities or blacklisted. Some migrant fishers also said that the abuse was so bad, that the only way

“Those guys...they beat me. They shout ‘go home, go back to Ghana’ while they beat me. ... They do a lot of [physical harm]. You know as a foreigner, as an African who comes to Europe to work, I just take it. I don’t do anything”
Ghanaian fisher (interview 13)

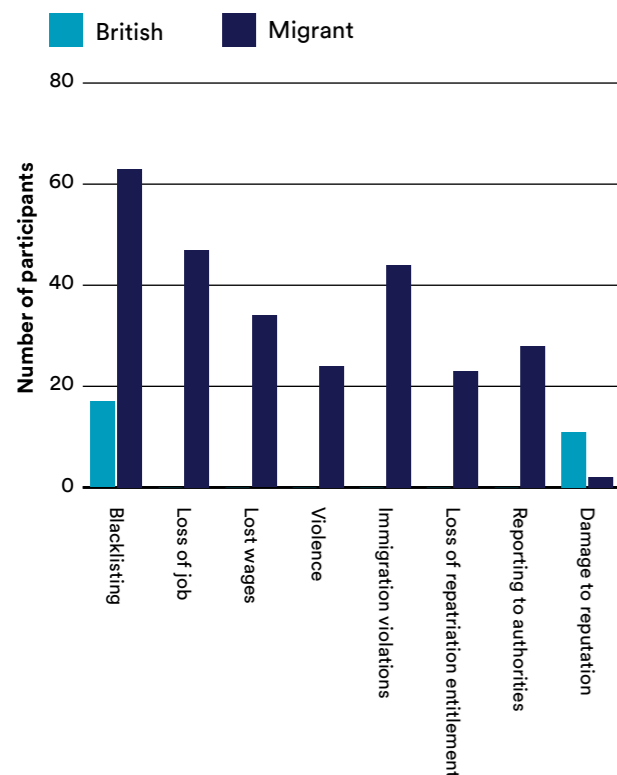
Some abusive practices were also intended to strip migrant fishers of their dignity, rather than inflict physical harm. For example, survey respondents reported being urinated on as a threat to not report a complaint (survey 104) and having non-consensual photos and videos of a sexual nature taken of them and then used as a blackmail or a threat if they tried to leave or report abuses (survey 64).

It is also important to note that of the 16 interviewed fishers, all who had experienced at least one abuse and multiple who were identified by authorities as potential victims of modern slavery, 13 reported that they would return to work in the UK. These fishers expressed that they had spent years fishing and had accepted that working conditions vary among companies, and as such, this was the culture of fishing in the UK, and you just have to “accept it” if you want to find work. This raises concern for another forced labour indicator – abuse of vulnerability – but also suggests that **willingness to return in UK fishing is not a proxy for decent work conditions.**

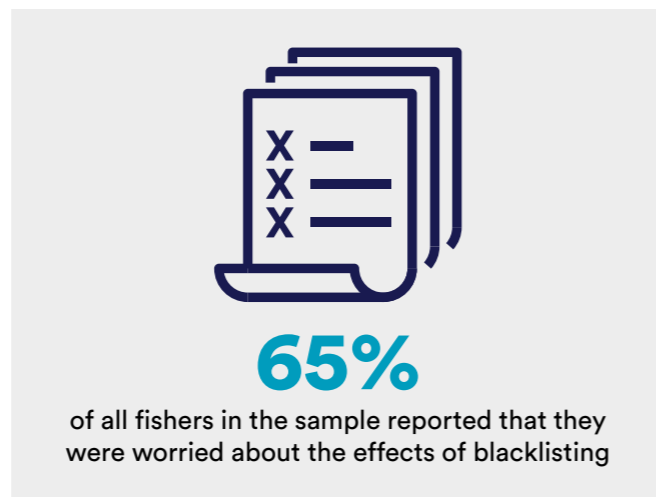
Grievance processes

In any context, it can be difficult for regulatory actors and inspectors to access workers in a safe environment that is conducive to disclosing the reality of their working conditions. In UK fishing, there is also the convergence of few appropriately trained labour inspectors; limited opportunity and authority to board a fishing vessel; and the hidden nature of the workers themselves (from being migrants without permission to enter the UK, to working at sea out of the oversight of authorities, to the hidden nature of exploitative labour practices in general).¹² Several interviewed fishers also stated that even if they spoke to an inspector or other authority figure, they would be unlikely to disclose something as they had heard of other fishers being “sent home” due to the illegal contracts that underpinned their abusive working conditions. As a result, the onerous task of identifying poor and illegal labour practices and finding a trusted source to report concerns and grievances to is often placed on workers. However, this research identified many other constraints that fishers experience when reporting concerns (see Figure 4).

Figure 4. Barriers to reporting grievances and problems



Findings elucidated from the research suggest that most fishers are aware of at least one ‘official’ channel for reporting grievances, but that these channels are often not accessible due to language barriers or, more importantly, are not trusted. **Specifically, blacklisting (the practice of restricting re-employment opportunities for fishers) appears to be rampant across UK fishing, with 65% of all fishers in the sample reporting that they were worried about the effects of blacklisting.** While both national share fishers and employed migrant fishers expressed concerns about blacklisting, employed migrant fishers were **12 times more likely to say that blacklisting would prevent them from changing jobs if they were being treated unfairly.** Of the migrant nationalities working in the UK, Filipino fishers were most likely to report being intimidated by the potential of blacklisting. This appears to be related to the highly centralised nature of the Philippines Overseas Employment Agency’s (POEA) regulation of crewing agencies and migration.¹² While the streamlined structure potentially provides more oversight and transparency, because all Filipinos interact with the POEA when seeking overseas jobs, blacklisting can purportedly be easily extended well beyond the individual fisher. One fisher who was blacklisted by an industry operator reported that his wife and extended family members were also blacklisted and several Filipino fishers also expressed concern that not only were they threatened by blacklisting, but that they also feared their family would be blacklisted.



Both national share fishers and employed migrant fishers listed a multitude of industry actors that they understood to participate in blacklisting fishers, or that had directly threatened to blacklist them or other crew. These actors ranged from vessel owners and skippers, to a charity, to producer organisations, to crewing agencies amongst others. What industry actors engaged in blacklisting fishers also seemed to vary by port and geography, which only exacerbated the threat to fishers, as both national and migrant fishers reported that they often did not know who to trust with a grievance because “anyone around here can blacklist you” (survey 79). In some ports, fishers were also told who they could and could not speak to and were threatened with blacklisting if they were caught speaking to an “unallowable” entity. This further eroded trust and led to more confusion.

Not knowing who to trust was indicative of another common theme in the research – amongst this sample, there was not a single entity in the UK fishing industry that was widely known and trusted by most or all of the fishers. When asked who they would trust most to make a complaint or grievance to, over 20 different actors were identified – many who other fishers had expressed might blacklist them.

“Leaving is not even possible because I’m not allowed off the vessel to ask for help. There is no way to contact anyone. The captain keeps my phone and when he gives it to me he supervises my calls.”
(Survey 35)

Besides fears of blacklisting, many migrant fishers reported a lack of opportunity to report concerns or issues. The most common reason cited for this lack of opportunity was the restriction of their movements due to the transit visa. Approximately 15% of interviewed and surveyed fishers also said they could not leave the port to seek help because the vessel owner was in possession of their passport and contract (both necessary items for being granted temporary entry into the UK under the transit visa).¹² Though seemingly unique to migrant fishers in the sample working on Anglo-Spanish trawlers, four of these participants reported that the vessel did not go into port enough or stay long enough in order for them to report a grievance or concern to a trusted entity. Survey participant 39 stated that when he was being treated unfairly, the only way that he could report the situation was to “run away from the vessel.” **Though often described by industry actors as absconding (meaning placing the blame on the fisher), most interview participants knew of multiple migrant fishers from their nationality that had run away from a vessel to escape abusive practices.**

As a result of the constrained trust and immigration restrictions on help-seeking behaviours, data generated from the survey and interviews suggests that **community is instrumental in reporting grievances and is a potential leverage point currently being underutilised.** For example, Filipino fishers discussed local Filipino community members bringing and sharing traditional Filipino foods with them while they were in port. This initial meeting of smaller needs built an environment of trust to disclose bigger concerns, but also served to bring together crew of the same nationality working on other vessels. This was important because both interviewed and surveyed migrants consistently reported that they would be unlikely to report a concern by themselves, and it appears that there is a critical mass needed (either number of crew members or the fisher plus community) to feel safe enough to come forward. It is also important to note that many of the fishers discussed the role of port welfare charities in facilitating and maintaining this sense of community, and that ship visitors were a trusted entity to report grievances to, but also provided psycho-social support that is otherwise absent across the industry. In particular, welfare charities appear to serve as a protective barrier between the fishers and other authorities, advocating for the fishers and ensuring that authorities do not prioritise the immigration violations over the welfare of the migrant fishers.

“Stella Maris rescued me. I wanted to jump over and I think about it. I am alive now because of Stella Maris.”
Indian fisher (survey 105)

While these acts of solidarity with other fishers and community are not often used to leverage change in addressing labour abuses across the whole industry, fishers described instances where threats to this sense of community stoked abusive working conditions and provided skippers and vessel owners with power and control over the workers. Specifically, threats to assault other crew of the same nationality were frequently listed as a reason for not reporting grievances. Additionally, some fishers described practices that were seemingly purposeful to sow division amongst crew of the same nationality and isolate fishers from their already constrained and limited networks, including these wider communities in port. As one Filipino participant described (interview 1):

“There was a kind of a message that was sent out at the port that if you ask for help with people in the port, then this is what could happen to you. You could be blacklisted. I think they want to make it as a general information for everybody, as a lesson for everybody. If you seek help, then everything will stop coming basically. Like all your money. They make it a joke. The boat owner was talking to the other Filipinos and was telling the crew I’m not receiving money anymore. He was bragging about it and laughing. So the other Filipinos had to laugh too. My crew members told me straight to swallow my suffering. If you leave us, that’s it. I was so hurt when I heard this from my crew.”

Findings: Forced and compulsory labour

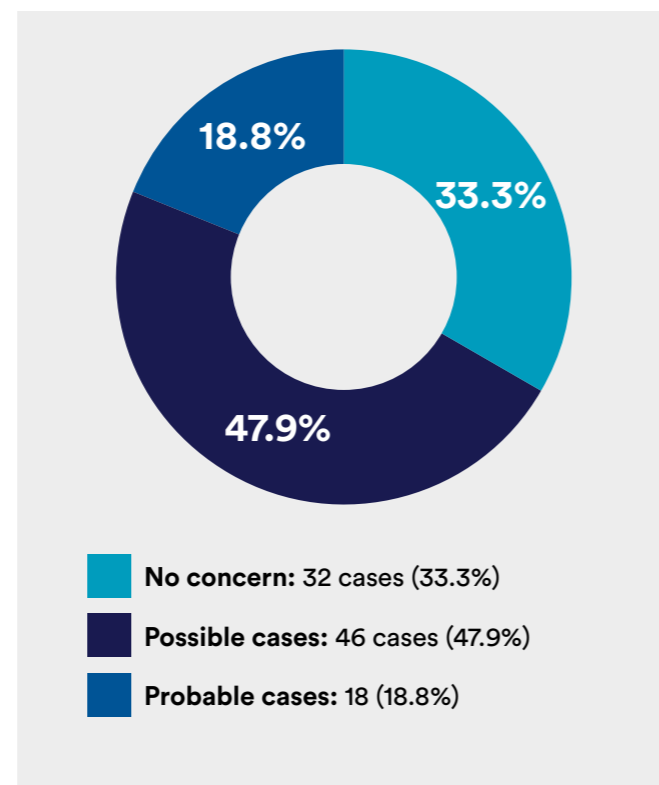
Using the ILO guidelines for measuring forced and compulsory labour,^{46,50} survey and interview data were mapped against indicators and guidelines (see Appendix, Table 3) to estimate the percentage of fishers in the study who might have been subjected to conditions of forced labour. While no individual participants' data can be considered conclusive evidence or confirmatory of the presence of forced labour, the analysis categorised each participant as *no concern* of forced labour, *possible* forced labour, or *probable* forced labour.

Measuring forced labour can be difficult, and though there are 11 indicators, the ILO guidance does not specify how many indicators must be present.⁴⁶ However, it is widely interpreted that there must be an indication of 'involuntary work' (that the work was not freely consented to) and an indication of 'threat or menace of penalty' (the element of force or coercion) – the two fundamental dimensions of forced labour.⁵⁰

For the purpose of this analysis, to be categorised as a probable case of forced labour, both dimensions had to be satisfied. To satisfy the involuntary work dimension, there had to be evidence of abuse of vulnerabilities plus at least one additional involuntary work indicator. Similarly, to meet the criteria for threat and menace of penalty, at least one indicator had to be present, though abusive living conditions could not be the sole indicator. To be categorised as possible forced labour, data suggested the presence of either dimension, but not both, following the previously described coding system. These are likely cases of labour exploitation that do not rise to the thresholds for forced labour. The case study on page 39 provides an example of this coding process with one survey, with indicators of involuntary work in teal and threat or menace in blue.

Though, there was no evidence that national share fishers were subjected to conditions of forced or compulsory labour, there was ample evidence that migrant fishers are being subjected to forced labour in the UK fishing industry (Figure 5).

Figure 5. Potential presence of forced labour in study sample



Case study

Fisher X was a migrant fisher (*presence of vulnerability*) in his 30s with 11-15 years of experience when he joined his vessel. While this was not his first-time fishing in the UK, it was his first time with this particular skipper and vessel owner. Based on the responses to the survey and the words that he used to describe his recruitment process (that is "broker" instead of "agency"), it is likely that he used an unauthorised or unlicensed crewing agency. During his recruitment process, fisher X was charged a placement fee of approximately £1,650, in breach of ILO C188. He took a loan from the broker to cover this illegal placement fee (*first dimension of debt-debt related to employment*). The "broker" issued his employment contract for 51 weeks, which described his working hours as 12-16 hour days with one day off every 7 days and stated his monthly salary would be £1,100 per month. Fisher X would wire the "broker" half of his salary each month until his debt was paid.

Fisher X entered the UK on a transit visa and boarded a prawn (*Nephrops norvegicus*) trawler where he worked for the next 11 months. During this time Fisher X reported that his actual working hours did not match what was written in his contract, as he was working 20-22 hours per day (*deception*). Additionally, his one day of rest in port was typically occupied with cleaning the vessel and making repairs (*excessive overtime*). Fisher X responded to the survey, saying he "never" received at least 10 hours of rest in a day; and that he "never" received at least 77 hours of rest in a 7-day period; and that he was denied rest breaks "most of the time (*excessive overtime; abusive working conditions [breach of labour laws]*).

In the survey, Fisher X responded that he "always" had overtime work with no extra salary. Adjusting for his debt deductions (and assuming he worked 20 hours per day for 6 days and then 4 hours on his rest day), this meant Fisher X worked for approximately £1.83 per hour (*third dimension of debt-work is undervalued*).

Fisher X was paid his monthly salary in cash on the vessel, but 10 out of 11 months he did not receive his full monthly salary (*withholding of wages*). When he asked the vessel owner about the missing cash, he was informed that he had to pay for his onboard food and onboard accommodation – expenses and deductions that were not detailed in his contract (*deception*).

While fishing, Fisher X stated that he was threatened with: the loss of his salary, which he believed could easily happen since he was paid in cash (most of the time); regular insulting that included racial slurs (most of the time); reporting to authorities (always); and physical violence (half the time) (*intimidation and threats*). He also reported that one night the skipper was "out of his mind" on drugs or alcohol and physically assaulted him. In a free text response, he wrote (translated), "the captain, the skipper tried to fight you when there was a little mistake instead of talking to you and telling the crew what they were supposed to do. He has to fight you. He has to punch you. He has to push you. That what he normally do. That's what he normally do" (*physical and sexual violence*). On the survey, he also reported that he "strongly agrees" that he was discriminated against by the skipper.

One day in port, Fisher X was hoping to use his rest day to go to church. Because of his transit visa he had to request permission from the skipper and the vessel owner; however; it was denied and Fisher X was told that if he had a complaint he had to call one specific person only (*isolation*). Fisher X called that person, but they never visited the vessel. Fisher X was unable to leave the vessel because he did not have his passport and he did not have a signed copy of his contract (*retention of documents*).

Fisher X was also not a deckhand, and thus was in a more senior position on the vessel. He tried to protect his fellow countrymen from the same abuses and one night when he asked the skipper to stop punching his fellow countryman, the skipper showed the crew a video of other countrymen getting beaten up and cautioned him that he "could be next" (*intimidation and threats*).

When asked how likely it was that he could leave his job if he was being treated unfairly, Fisher X had replied "not likely at all" and listed blacklisting and debt as his reasons why. When asked how safe he would feel if he had to make a complaint or grievance, he reported, "not safe at all" reiterating debt and blacklisting as his reasons why, in addition to the threat of physical or sexual violence. In free text responses associated with these two questions he also described a scenario wherein if he tried to leave or make a complaint, the vessel owner or skipper would plant empty alcohol bottles in his bunk and claim that he was in violation of his contract and report him to authorities (*intimidation and threats*). He worried that if this happened, he would have to pay for his own repatriation and could not afford the cost (*second dimension of debt-debt binds worker to employer*).

Around 11 months into his contract, Fisher X was helped by a charity and removed from this exploitative situation.



National Referral Mechanism

Though an understanding of experiences with the National Referral Mechanism (NRM) was not the purpose of this research, three of the interviewed fishers were currently in the NRM, awaiting conclusions and decisions on investigations into their subjection to conditions of modern slavery. These participants expressed concerns that it was actually more advantageous to fishers to keep quiet about their concerns rather than speak up and be diverted into the NRM. Their main concern was that they were unable to work while in the NRM due to having entered the UK and worked on a transit visa. As a result, they were unable to send remittances home to their families. However, they felt compelled to stay in the NRM out of fear that if they exited, they would not be able to return to the UK for work for five years. In addition, fishers described being stripped of their dignity because they “wanted to be working at sea” (interview 14).

Conclusion

There is a critical need to stop pre-supposing that labour abuses and forced labour only happen in fisheries outside of UK borders as this study presents compelling evidence that **exploitative labour practices and forced labour are endemic across the UK fishing industry**. These practices are compounded by ambiguous laws that are often interpreted differently by different actors. As a result, even if migrant fishers are threatened with false information, they have no frame of reference to challenge this misinformation or assurance to ignore the threat. As a result, a suite of complimentary interventions is urgently needed to achieve far-reaching change as the issues and their drivers are diverse, ranging from fundamental faults in the structure of a UK maritime immigration loophole to interpersonal violence predicated on racism and discrimination. Without immediate change, the UK will continue to fail to meet its obligations and responsibilities under both international (ILO C188) and domestic law (Modern Slavery Act), but most importantly will continue to perpetuate inequalities between migrant and domestic fishers.

The exploitation of migrant fishers not only hurts those individual fishers, but also creates an unfair competitive advantage that rewards operators skirting laws and regulations, ultimately flattening the success of law-abiding operations and the coastal communities that depend on fisheries the most. Findings from this research should not be used to trivialize, demean, or even vilify the hard work that fishers engage in every day. Instead, it should be used to compel actors across the industry to collaborate to effect real change. Fishing can provide rewarding work for both domestic and migrant fishers across the UK if decent and fair working conditions are assured on all UK fishing vessels.



Vessel owner

The vessel owner is ultimately responsible for the working conditions and should be the formal employer of the fisher.

Risks

- Exploitive wages
- OT with no pay (including work in port)
- Can constrain movement of workers on transit visas outside of port
- Physical, verbal, or psychological violence (or the threat of)
- Failure to ensure legal FWA, jeopardising immigration status



Skipper

The skipper controls the work environment while at sea.

Risks

- Long hours
- Physical, verbal, or psychological violence (or the threat of)
- Dehumanising and shaming workers

Sources of control



Crewing agency

Migrant fishers are recruited by an agency or recruiter, typically in their own country.

Risks

- Illegal agency
- Illegal FWA
- Debt
- Blacklisting

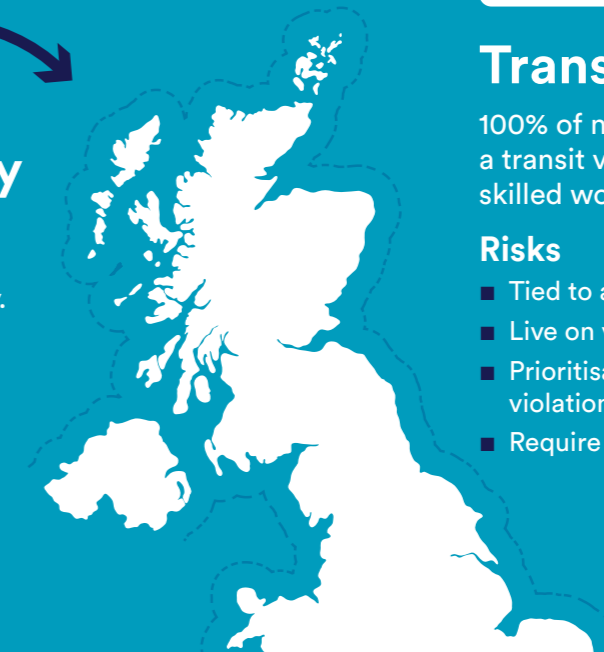


Transit visa

100% of non-EEA fishers worked on a transit visa despite an alternative skilled worker visa being available.

Risks

- Tied to a single vessel
- Live on vessel
- Prioritisation of immigration violations
- Require permission to leave port



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Appendices

Table 2: Complete list of ports that migrant fishers in the sample had contact with.

England	N. Ireland	Scotland	Wales	Foreign
Blyth	Ardglass	Annan	Milford Haven	Dublin, Ireland
Brixham	Belfast	Ayr		Egersund, Norway
Eastbourne*	Kilkeel	Barra		Coruna, Spain
Hartlepool	Portavogie	Barrow, Port of		Santa Uxia Ribeira, Spain
Harwich*		Fraserburgh		
Hastings		Gairloch		
Newlyn		Kinlochbervie		
Plymouth		Lerwick		
Ramsgate*		Lochinver		
Scarborough		Macduff		
Shoreham		Mallaig		
Weymouth*		Oban		
Whitstable		Peterhead		
		Scalloway		
		Scrabster		
		Stornoway		
		Troon		
		Ullapool		

*Only EEA migrants reported contact with these ports.

Table 3. Coding schema for assessing cases of forced labour in the study sample based on the ILO's guidelines for measuring forced labour.46,50

Dimensions of Forced Labour	ILO Forced Labour Indicator	ILO Guidelines	Codebook for Survey and Interview Data
Involuntary Work	Abuse of vulnerabilities	Lack knowledge of local language	Speak different language than captain/skipper and/or senior crew
			Contract is written in a language different than their preferred language usually because it was produced by a vessel owner or recruiter or agency in a country other than their own
		Minority identity in the workplace/characteristic that sets them apart from the majority of the workplace	Discrimination based on race/nationality
			Discrimination based on other factors
			Immigration status is exploited
	Multiple dependencies on employer	Minority in the workplace	
	Physical and sexual violence	Denial of rights or privileges	Required to live on board the vessel even when in port
			Fishers do not think that they are free to leave their job because there will be harmful consequences
		Experience actual physical or sexual violence themselves	Fishers cannot make a grievance/complaint/report without retaliation or reprisal
			Physical or sexual assaults (assaults can include non-contact assaults such as humiliating acts that strip them of dignity – for example urinating on them, taking nude photos of them, requiring to defecate in buckets on deck)
Witness fellow crew members (typically of the same nationality as them) getting beaten or sexually assaulted (assaults can include non-contact assaults such as humiliating acts that strip them of dignity – for example urinating on them, taking nude photos of them, requiring to defecate in buckets on deck)			
Physical abduction/kidnapping	Abducted and forced to board a vessel not named in their contract in an unknown place. Intent of deception must be evident		
Required to take unpaid domestic work	Fisher is forced to go the captain/skipper or owner's house and cook, clean, garden, etc – all work that is unpaid		



Dimensions of Forced Labour	ILO Forced Labour Indicator	ILO Guidelines	Codebook for Survey and Interview Data
Involuntary Work	Intimidation and threats	Threat of physical violence. The ILO says that the difference between exploitation and forced labour when it comes to threats and intimidation is the credibility and impact of the threats based on individual beliefs, age, background, and socioeconomic status	Threats to them about themselves or their family (may involve threats with weapons) Witness other crew being threatened with physical violence
		Denunciation to authorities	Fishers are often threatened with being reported to the police, to immigration, to their recruiter/agency (and other forms of authority) Fishers witness other crew being threatened with reporting to the police, to immigration, to their recruiter/agency (and other forms of authority) Fishers report that they and their families are threatened with blacklisting (that is their name is on a list that is circulated amongst vessel owners and/or recruitment agencies, inhibiting them from getting work in fishing again) or fear being blacklisted if they would try to leave their job before the end of the contract or if they would make a complaint. Blacklisting is rampant in fishing
		Treat/withdrawal of privileges	Threatened with withdrawal of privileges Witness threats to other crew of withdrawal of privileges.
		Threat/worsening of working conditions	Threatened with worsening conditions for themselves or their fellow crew Witness threats to other crew of worsening working conditions
		Insulting	Experience regular insulting Witness other crew regularly insulted
		Reduction of salary	Threatened with or experience a loss of salary Witness other crew experience or threatened with loss of salary

Dimensions of Forced Labour	ILO Forced Labour Indicator	ILO Guidelines	Codebook for Survey and Interview Data
Involuntary Work	Withholding of wages	Irregular or delayed payments do not automatically imply forced labour, but when wages are systematically and deliberately withheld as a means to compel the worker to remain and/or deny the worker the opportunity to change employers, this could be forced labour	Wages/salary is consistently delayed (systematic element) and as a result fishers feel like they cannot leave the employment situation before the end of their contract or that if they make a complaint they risk losing wages they have not yet been paid because they will lose their job (deliberate element). In our survey Q42 (depending on response) could demonstrate systematic and Qs 66 or 106 could demonstrate deliberate nature
	Restriction of movement	Workers may be locked up; they may not be free to enter and exit the workplace; or their movements may be controlled or surveilled	Fisher may be physically locked up in a space Workers are surveilled Not free to enter and exit the workplace (the fishing vessel and by extension the port). This can be interpreted as freedom to leave the job if you are unhappy or as actual ability to leave the workplace when you are not working
	Debt bondage	There are four dimensions of debt bondage (though ILO does not specify how many need to be present, for this analysis, 3/4 should be present to meet the debt bondage indicator) 1) Debt related to the employment 2) The debt binds the worker to the employer or creditor 3) Their work is undervalued 4) The interest on the debt is inflated or the charges/debt is inflated	1) Debt related to the employment often will include debt for recruitment (including passports/visas), transport, or other work-related expenses 2) The fisher feels like they cannot leave the job before the end of their contract even if they are being abused because they have debt that they cannot pay 3) When monthly salary was adjusted for cash bonuses and debt deduction 4) In fishing, inflated debt most often includes costs for onboard accommodation, onboard food, and basic equipment they are forced to pay for (for example life vests)
	Retention of documents	When an employer holds personal documents and items of a worker and the worker cannot access them on demand and feels that they cannot leave the job without the risk of losing these documents like a passport	Many skippers will hold documents for the fishers so they don't get lost, wet, fall overboard, etc or so they can be produced quickly during an inspection. This does not indicate forced labour. Instead there must be evidence that they are being held to restrict the fishers' movements or that the fisher has asked for their documents and the request is routinely denied
	Isolation	Workers are isolated in remote locations and denied outside contact with the world. Means of communication may be confiscated. Isolation can also be linked to work premises not being registered, making it very difficult for law enforcement or other agencies to locate the business and/or monitor the working conditions	Denied contact with outside world. Examples include not being allowed to contact their family or they are surveilled when they contact their families. Of note, there is evidence that fishers are being told who they can and cannot speak to if they have a concern. While exploitative, this in of itself does not indicate forced labour Evidence that a fisher was intentionally hidden from an inspector



Dimensions of Forced Labour	ILO Forced Labour Indicator	ILO Guidelines	Codebook for Survey and Interview Data
Threat & Menace of Penalty	Deception	Working conditions promised during recruitment do not materialise	Evidence that the conditions described in the contract were intentionally falsified
	Excessive overtime	Work excessive hours or days beyond the limits prescribed by national law or collective agreement. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent, or by being on call 24 hours a day, 7 days a week. The determination of whether or not overtime constitutes a forced labour offence can be quite complex. As a rule of thumb, if employees have to work more overtime than is allowed under national law, under some form of threat (eg of dismissal) or in order to earn at least the minimum wage, this amounts to forced labour	ILO 188 states a fisher should get 10 hours of rest in a 24-hour period and 77 hours of rest in a 7-day period. Systematic violations (meaning a fisher indicates they never get 10 hours of rest a day or never get 77 hours of rest in a 7-day period may be an indicator of forced labour)
	Abusive working conditions	Work may be performed under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear) and in severe breach of labour laws	Example of dirty conditions include unsanitary situations such as cockroaches, rats and bedbug infestations; having to collect condensation for drinking water or bathing; subjecting people to activities that are intended to strip them of their dignity by causing embarrassment, discomfort, or ridicule
			Hazardous conditions are usually tied to the safety of the vessel. Not receiving medical care when they are injured is seemingly a huge issue for fishers at this time
Abusive living conditions	Forced labourers may also be subjected to substandard living conditions, made to live in overcrowded and unhealthy conditions without any privacy. Extremely bad working and living conditions alone do not prove the existence of forced labour; unfortunately, people may sometimes “voluntarily” accept bad conditions because of the lack of any alternative jobs. However, abusive conditions should represent an “alert” to the possible existence of coercion that is preventing the exploited workers from leaving the job	Breach of labour laws such as ILO C188	







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