

# BENEATH THE SURFACE

## LABOUR VULNERABILITY IN THE UK FISHING INDUSTRY

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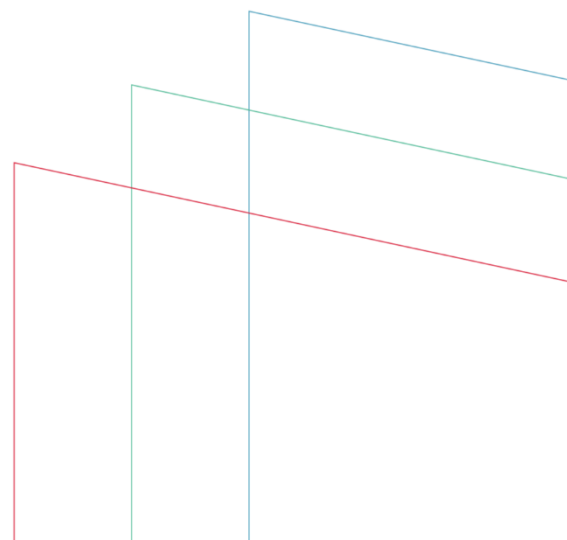
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# 1. INTRODUCTION

The Covid-19 public health crisis has exposed many weaknesses and vulnerabilities in how our economy is structured. Some of these vulnerabilities have for a long time been known but routinely ignored. Others have been exposed to wide public attention for the first time.

The fishing industry is an inherently vulnerable industry. Fishers chase a moving resource, are subjected to temperamental weather, and are bound by numerous policies to manage a public asset. With Covid-19 disrupting international supply chains and causing restaurant sales to plummet to zero, these underlying vulnerabilities have compounded. Alternative markets, such as direct sale to consumers, continue to be developed but are starting from an extremely low portion of sales.

Beneath the surface there is another set of vulnerabilities less recognised, but just as important, that relate to the unique structure of labour in the fishing industry. Most fishers have no set salary. They have no statutory entitlement to paid leave or sick pay. They have no workplace private pension. They have no minimum wage. Few fishers are members of unions. Migrant labour is increasingly being used at sea, but without work visas to rely on. Fishers are going to sea without a financial safety net. This labour insecurity leads to psychological hardship matched only by the physical hardship of working at sea. By per capita fatalities, fishing is the most dangerous job in the country.

Within the UK fishing industry many of these vulnerabilities are a well-known but unpopular topic of conversation. There is an overwhelming sense that this labour model is just 'the way it's always been done'. This is true, until it's not. Core aspects of labour policy – from child labour laws to working hours, from minimum wages to women empowerment – are accepted across society but had to disrupt existing practices before they were seen as a societal norm. And it is not only our policies that change but also the world in which they are made. Neither shellfish exports to East Asia nor the web apps for direct sale fit the image of an unchanging industry. Even in a very strict sense the argument is not correct. In the 1970s, the deep sea fishing fleet in the UK operated with formalised labour and was organised into unions.

The UK fishing industry should not be resigned to accept the current structure of fisheries labour as an inevitable matter of fact. Like all social systems, the systems that surround fisheries labour are constructed and can be reconstructed. As Covid-19 exposes underlying vulnerabilities in fisheries labour, now is the chance to reflect, to learn, and to change these systems. There is also a strong appetite for change as post-

Brexit fisheries policy is being developed and a new future for the UK fishing industry is being discussed. Fishing labour must be part of this future.

This briefing provides an overview of how fisheries labour is paid and organised and how this is situated in a broader economic context. Ideas are provided for new policies and structures onboard fishing vessels, in the self-organisation of the fishing industry, in fisheries management regulations, and over broader economy-wide policies.

## 2. THE STRUCTURE OF LABOUR IN THE UK FISHING INDUSTRY

### 2.1 THE ORGANISATION OF LABOUR IN THE UK FISHING INDUSTRY

The fishing industry is a confusing mix of organisations fulfilling different functions – an issue further complicated by the fact that names do not fit the actual function of these organisations.

**Associations** are industry membership organisations, for individuals or for groups. In the UK fishing industry, associations are less clearly defined in remit than some other organisations. Associations can serve as a feedback mechanism from local concerns to regional to national decisions. This is particularly important for the small-scale fleet where a single fishing association (the New Under Ten Fishermen's Association, NUTFA) serves their national interests through advocacy and lobbying.<sup>1</sup>

Most of the hundreds of fishing associations set up around the UK coastline are highly localised. There is also one **council** (the South Coast Fishermen's Council) that brings together associations at a regional level for information sharing.<sup>2</sup> It has been meeting since the 1970s.

The role of **producer organisations** (POs) in UK fisheries has evolved over time. POs were originally set up by the EU to implement the common organisation of the markets (CMO) in fisheries and aquaculture products – the first component of the Common Fisheries Policy (CFP). There are currently 25 fish POs recognised in the UK.<sup>3</sup>

Despite a wide array of business services, the resources of most POs are now predominantly devoted to overseeing quota management for their membership. As such, the membership of POs is strongly oriented towards vessel owners, quota-holding vessels, and larger vessels. The recent formation of the Coastal PO to represent smaller vessels without their own quota holdings (and fishing either quota or non-quota fisheries) is intended to fill this gap.<sup>4</sup>

A **co-operative** is formally defined as an organisation which is owned and run jointly by its members who share the profits or other benefits. Fisheries cooperatives operate by pooling resources and ensuring catch is being distributed fairly. Membership is made up of fishers and fishing groups. Some associations are named co-operatives and several POs are registered as co-operatives, but there are few examples of fishing co-operatives that operate under the standard definition.

**Fishing federations** are composed of associations and/or POs. Their main function is lobbying and advocacy. In Scotland, the Scottish Fishermen's Federation (SFF) is composed of eight associations.<sup>5</sup> In England, the National Federation of Fishermen's Organisations (NFFO) is composed of eight POs and open membership for individuals.<sup>6</sup> These two federations have a large influence on fisheries policy, for example contributing to the UK fisheries white paper before the devolved administrations, but their membership is partial and not reflective of the whole national industry.<sup>7</sup> In Wales, the Welsh Fishermen's Association (WFA) serves the role of a fisheries federation as it is composed of five associations.<sup>8</sup> Unlike the federations in Scotland and England, the WFA is funded by the government rather than the membership. In Northern Ireland, there is no fishing federation; the POs fill the gap with an increased advocacy role.<sup>9</sup>

A **union** is a group of employees organised together who use their collective bargaining power to negotiate with their employer to improve their conditions at work. While associations or organisations are more general terms (denoting a group that converges around a shared interest), a union is a specific, recognised legal body with the power to negotiate. In unionised workplaces, where the union is recognised, a recognition agreement stipulates the terms of engagement between the employer and the union. Democratically elected representatives of this collective take responsibility for raising issues and negotiating with management. In workplaces without a recognition agreement, employees are still legally entitled to be part of a union, allowing them to access union support for workplace issues, but employers are not legally bound to negotiate with staff. Instead, employers are required to negotiate with union representatives, for example on grievances or disciplinary issues.

The key difference that sets a union apart from other, non-unionised, groups of employees, is that with all other bodies the employer is under no obligation to talk to the group. Unions also have democratic principles in their formation. For instance, a group of employees must come together as a collective to elect representatives (reps) and make decisions by voting. A union exists as a separate body to the employer; whereas an association can be set up by anyone, including an employer, and does not have to be democratic.

The status of a union has very definitive boundaries which set it apart in status from other groups and organisations representing workers in fisheries. While these may overlap with other organisations, the status of a union is formally defined and therefore cannot be changed, for instance to permit employers to join. Therefore, unions provide a unique support system for workers. Additionally, unions have a range of responsibilities within their remit that are more expansive than other forms of organisation.

In the UK, there is no longer a specific union for fishers in existence. The National Union of British Fishermen was merged with the Transport and General Workers' Union in 1922, which ultimately became amalgamated into Unite the Union in 2007, the largest trade union in the UK.

There are also several **third sector organisations** that provide support to the UK fishing industry. Four prominent examples, among many, are Seafarers UK (a charity that supports the maritime community by grant-funding charity welfare services and supporting safety initiatives)<sup>10</sup>; the Fishermen's Mission (a charity funded by Seafarers UK that provides practical, financial, and spiritual support, as well as emergency response services, to fishers and their families)<sup>11</sup>; the Fishmongers' Company Charitable Trust (FCCT; a livery company that promotes the business of fishing through philanthropy and grants)<sup>12</sup>; and Seafish (a levy-funded non-departmental public body that provides funding, training, technical expertise, and stakeholder engagement).<sup>13</sup>

## 2.2 THE CREW SHARE MODEL OF REMUNERATION

Across global fisheries, the most common form of labour remuneration is the crew share model where fishers receive a proportion of the vessel earnings (ie the sale of landings).<sup>14</sup> In some fisheries it is typical to deduct operating costs (eg fuel, quota leasing, ice, and harbour dues) before calculating crew share.<sup>15</sup> In crew share models, the remuneration of labour directly links pay to the financial performance of the vessel and is intended to incentivise productivity. When the economic performance of a vessel increases, the crew will capture some of the financial return through increased wages (ie a fixed share of a larger amount) Likewise the risk of a poor fishing trip is also shared. Another feature of the crew share model is its flexibility. Just as a skipper can change crew, fishing crew can seek work on a different vessel with a different skipper.

A survey analysis of British fishing crews on Scottish fishing vessels found that 95% were remunerated via a crew share with the remaining 5% remunerated either through contracts directly with a vessel or contracts through a recruitment agency.<sup>16</sup> Contracted pay is typically distributed on a monthly basis either to the crew member for direct contracts or through an agency (that deducts fees). In contrast to the structure for British crews, the vast majority of workers (82%) from outside the European Economic Area (EEA) were contracted through an agency (and a further 15% contracted directly) while EEA workers are in between these two extremes with 67% remunerated via a crew share.<sup>17</sup> The unique status of many non-EEA workers, as migrant workers, presents a host of labour vulnerabilities and are described in Section 3.3.

## 3. CHALLENGES WITH THE FISHERIES LABOUR MODEL

### 3.1 LABOUR VULNERABILITIES IN THE FISHING INDUSTRY

Just as the crew share model is appreciated by some for its flexibility and independence, the corollary is that fishing labour is extremely vulnerable. The vulnerability of this model might be lessened in an industry with stable and predictable income, but fishing is extremely uncertain, perhaps one of the most uncertain income sources.

First, fishing is subject to the unpredictable nature of weather in the same way as farming but with a seriousness that goes far beyond financial concerns. Per worker, fishing is the “most fatal” occupation in the UK.<sup>18</sup>

Second, fish are a wild and highly mobile resource, creating more similarities between fishers and hunters than fishers and farmers (but as a livelihood rather than for leisure).

Third, as marine fish populations are a renewable resource with a maximum rate at which they can replenish, the output of a fishing business is constrained by governments through, for example, fishing licences and fishing quota. These limits are subject to annual changes and are outside the control of fishers themselves.

All this uncertainty in fishing income is compounded by the precarious nature of work under the crew share model. Fishers earning a crew share have no statutory entitlement to paid leave, no guaranteed work, and no minimum wage.<sup>19</sup>

There are also labour vulnerabilities that are unique to fisheries labour, for example some fishers still have no private pension despite government efforts to introduce such a scheme,<sup>20</sup> continuing a long history of problems in pension administration.<sup>21</sup> There are also reports that some fishers experience problems in accessing a state pension because of their low level of national insurance contributions.<sup>22</sup> Recent research has highlighted the significant psychological toll that these sources of financial insecurity have on fishers, their families, and fishing communities.<sup>23</sup>

The nature of fisheries as a resource, the precarious nature of the crew share model, and the unique policy context in which fisheries is situated combine to create an extremely vulnerable position for labour in the UK fishing industry.



## 3.2 LABOUR VULNERABILITIES FOR MIGRANT WORKERS IN THE FISHING INDUSTRY

The use of migrant labour to crew UK fishing vessels has become commonplace over the past two decades. While there are no published statistics specifically on migrant labour, non-EEA nationals (predominantly from the Philippines) make up 7% of the fisheries workforce<sup>24</sup> and this figure is much higher in certain roles and geographies. In Scotland, non-EEA nationals make up 19% of the workforce which includes 30% of deckhands but no skippers or vessel owners.<sup>25</sup>

The UK immigration system predominantly processes non-EEA nationals for work through Tier 2 visas. These visas are graduate level (RQF level 6) or above with a minimum pay of £30,000 per year. There is, however, an exception. In recognition of the impracticalities of granting work visas for all workers on transnational merchant and cruise vessels that stop for brief periods in ports, UK immigration law follows a global norm in granting an exception to these vessels to facilitate the changeover of crew. Since the mid-2000s, this 'join ship' visa has been used to supply UK-based fishing vessels with non-EEA contract crews, but only for vessels operating 'wholly or mainly' outside 12 nautical miles.<sup>26</sup> This can be verified through the vessel monitoring system (VMS).

This "unique issue in UK immigration terms"<sup>27</sup> presents migrant labourers in the UK fishing industry with additional labour vulnerabilities and creates a dependence on the vessel owner/skipper. As there have been numerous reports and prosecutions of worker abuse in the UK fishing fleet and an especially high number of cases involving migrant labour,<sup>28,29,30,31,32,33</sup> momentum has been building for action on crew welfare. Many voices from the fishing industry emphasise that these cases are the exception and not the norm.<sup>34</sup>

In January 2019 the UK formally ratified the International Labour Organization Work in Fishing Convention (ILO C188) which brings parity to all fishers in respect of the provision of minimum welfare standards and human rights protections on board UK-flagged vessels and vessels operating inside UK waters.<sup>35</sup> The Maritime and Coastguard Agency has been offering guidance on implementation, for example on the minimum mandatory contents of the required fisher's work agreements.<sup>36</sup>

Reviews of fishing industry practice suggest that while the practices onboard fishing vessels may follow ILO C188 (with notable exceptions), there are large gaps in being able to demonstrate that this is the case. An audit of one PO found that the majority of vessels did not have many systems in place required by ILO C188 including work agreements, a Corporate Social Responsibility policy, a human rights policy, a modern

slavery policy, a whistleblowing/grievance policy, a crew minimum age policy, a record of rest hours, and Personal/Group Accident Insurance.<sup>37</sup> It appears that significant changes still need to be made for full ILO C188 implementation.

While ILO C188 clarifies remuneration processes (including contractual conditions), it does not stipulate anything about fair pay. This is especially important in the context of remuneration differentials between crew. A survey by Marine Scotland found that for migrant workers, “their level of remuneration is significantly lower than their Scottish counterparts, even when employed on the same boats to carry out the same work.”<sup>38</sup> Rather than equal pay for equal work, pay is determined by nationality and visa status.

The additional labour vulnerabilities for migrant workers in the UK fishing industry may seem like an inevitable consequence of their peculiar immigration status, but this feature of the system is questionable. Although fishing vessels operating wholly or mainly outside 12 nautical miles are not subject to the same labour laws, it is important to note that they contribute directly to the UK economy and are taxed by Her Majesty’s Revenue and Custom (HMRC) as UK businesses.<sup>39</sup> As Jones et al. conclude in their survey of remuneration practices in the Scottish fishing fleet:

*“If international fishers can be classified in this way for taxation, they should equally qualify for the range of contractual arrangements offered to UK and EEA fishers which would be governed by minimal wage standards and potentially the living wage.”<sup>40</sup>*

### **3.3 DISTRIBUTION OF THE FINANCIAL RETURNS FROM FISHING**

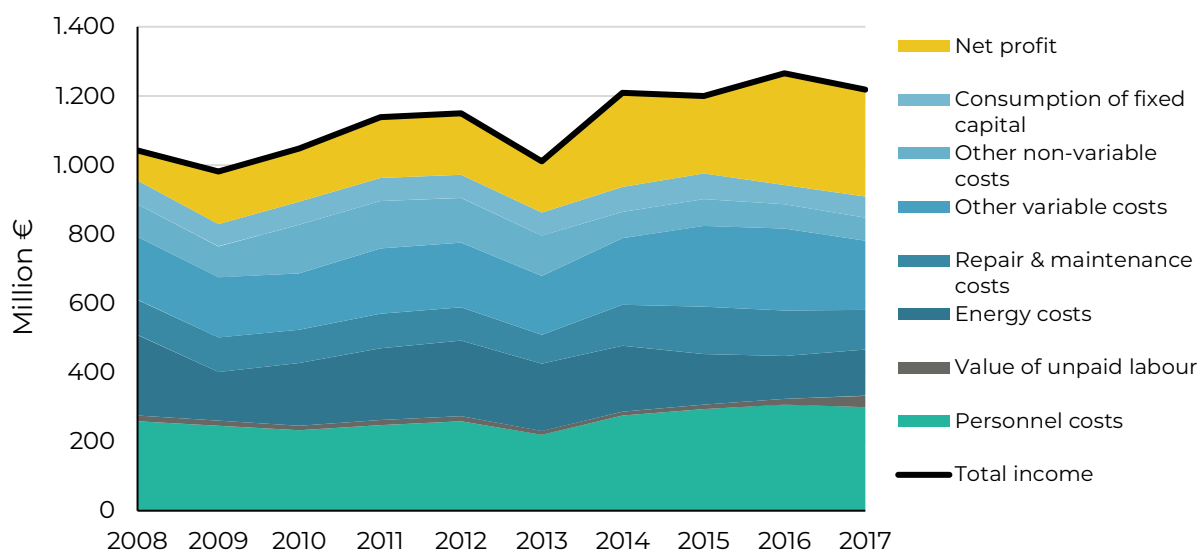
Under the crew share model, financial returns from fishing (ie economic rent) are shared between the vessel owner in the form of profits and the crew in the form of wages. The exact distribution of these returns depends on the level at which the crew share is set. The distribution is not necessarily proportional between profits and crew share as the vessel owner bears the fixed and capital costs alone, the number of crew may change (and shares are paid on an individual basis), and because crew shares are dynamic and set by agreement (sometimes informally) between owner and crew.

In the UK, despite a slow and steady decline in the number of vessels and fishers alongside challenges surrounding environmental sustainability, fishing income is rising over time.<sup>41</sup> The amount paid in labour is increasing in line with income, maintaining a near constant 25% share. However as other costs of fishing remain stable (or decrease, as in the case of energy/fuel) even as fishing income rises, the financial returns to fishing

in the form of profit are dramatically increasing (Figure 1). Taken together, the picture is one of an increasing share of the financial returns to fishing distributed as profits to vessel owners (Figure 2). This trend is also apparent for the EU fishing fleet as a whole.<sup>42</sup>

**Figure 1: While labour costs are increasing with income, vessel owners are seeing higher profits as other costs remain stable.**

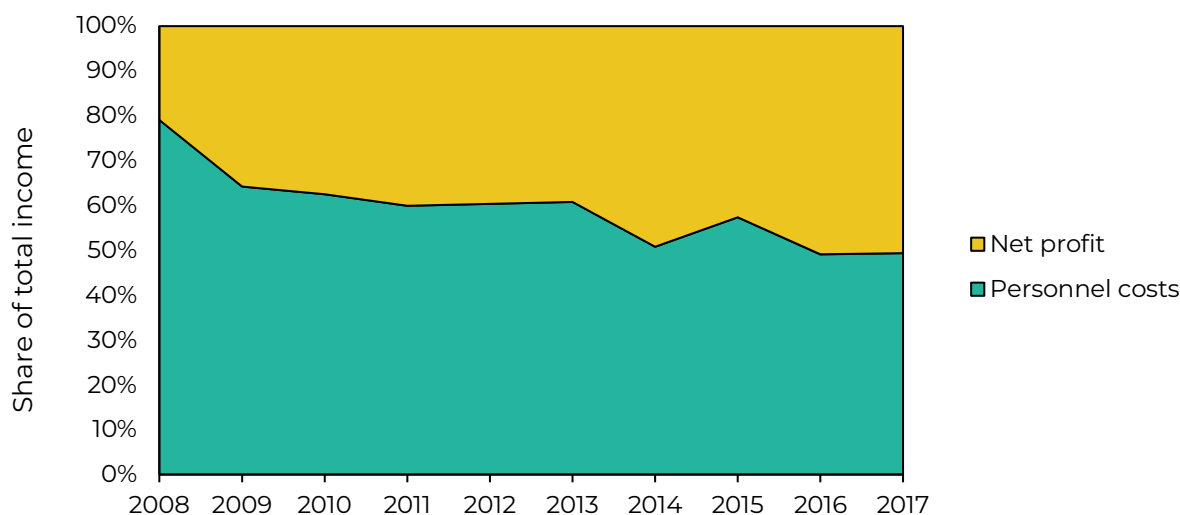
*The share of income in the UK fishing fleet split by cost category, including profits*



Source: Authors' calculations based on STECF (2019). The 2019 annual economic report on the EU fishing fleet (STECF-19-06). Values have been adjusted for inflation (2019 constant prices).

**Figure 2: Profits have overtaken wages as a share of income.**

*The share of income in the UK fishing fleet distributed to labour (personnel costs) and capital (net profit)*



Source: Authors' calculations based on STECF (2019). The 2019 annual economic report on the EU fishing fleet (STECF-19-06).

The fishing industry thus conforms to a larger economic shift regarding the functional distribution of income between labour and capital. Long considered stable, since the 1980s this division has been tipping in the direction of capital<sup>43,44</sup> with consequences for the macroeconomic balance of savings and consumption,<sup>45,46</sup> inequality,<sup>47</sup> and social impacts from social cohesion to intergenerational equity.<sup>48</sup> In the UK fishing industry, this shifting balance is particularly dramatic. Whereas in 2008, there was a roughly 80/20 division between wages and profit, the most recent data reveals that profit has now overtaken wages (51/49) in the division of financial returns (Figure 2).

### **3.4 FISHERIES LABOUR AND ECOLOGICAL SUSTAINABILITY**

There are also important linkages between labour vulnerability and ecological sustainability. These linkages naturally extend from the fact that the structure of fisheries labour incentivises certain behaviours and fishing behaviour directly impacts fish stocks.

As described in Section 2, under the crew share model, financial risks and returns are shared between the vessel owner and the crew. Like other performance-based payment models, the fundamental principle is that by directly linking worker pay to the earnings of the firm the incentive is for the worker to produce more and seek out productivity gains. However marine fisheries are unlike other industries in that production is capped either directly through quota limits or indirectly through effort control (eg licences, days at sea, number of pots or dredges).

A great deal of literature from fisheries economics emphasises the importance of incentives, for example by providing long-term and stable access to the resource through licences or quota<sup>49,50,51</sup> (although this is disputed as fisheries remain a common pool).<sup>52,53</sup> When this is present, the short-term incentives to fish more are balanced by the long-term incentive to fish more in the future. However, this balance of incentives is only seen from the perspective of owning access to the resource (eg the vessel with the licence and the quota). For the owner, the long-term sustainable benefits are capitalised in licences/quota share. For the crew, there is none of the long-term sustainable incentive but all of the incentive for short-term earnings that are as high as possible. There is no guarantee from the perspective of the crew that they will crew the vessel in the future and earn a share of the long-term yield.

Beyond the payment model, there is also an important impact on sustainability that emanates from the organisation of the sector for both vessel owners and crew. To ensure that sustainability protects workers as well as the environment and the wider economy,

workers need to feel a sense of involvement in the decisions impacting their life. A lack of worker control in the strategic decisions of the fishing industry can lead to loss of trust, as well as harmful psychological impacts on workers who feel at the mercy of wider economic forces beyond their control.<sup>54</sup> The lack of trust from fishers in the UK industry is well known and documented,<sup>55</sup> and partly reflects a lack of worker power endemic to the industry. Changes in industrial strategy, to ensure workers are guaranteed a 'just transition,' must place workers at the front of decision-making to build sustainable outcomes.<sup>56</sup>

## 4. DISCUSSION

### 4.1 WORKER POWER IN OTHER INDUSTRIES AND THE BROADER ECONOMY

In a low-paid and high-risk industry such as fisheries, the lack of worker representation poses an existential threat to the survival of the sector. For an ageing industry that struggles to find new recruits, paying higher and more secure wages (although factors go beyond the purely financial) could make the sector more appealing.<sup>57</sup> Compounding the failure to attract a future workforce, many coastal communities depend on the fishing industry as part of the local economy. Without local industry, the mass movement of the young workforce moves towards more lucrative work opportunities outside of these communities. Declining prosperity and opportunity for coastal communities, together with unsustainable industries, threatens the wider economy.

#### 4.1.2 Unionisation and informal work

Sectors like fisheries face the challenge of having a largely atomised workforce, with crews on numerous small vessels unable to speak to one another. Many fishers are self-employed. Furthermore, workers in fisheries are in immediate competition with each other, weakening a sense of solidarity and a definite target when campaigning for improvements in conditions.

These challenges to organising for improved pay and conditions are shared by many gig economy workers who are also part of a largely atomised workforce, in competition for 'gigs' and with no clear 'boss' figure. Unions such as the Independent Workers of Great Britain (IWGB) have organised effectively in the gig economy through outreach to atomised gig economy workers and by backing workers to bring a number successful employment tribunals resulting in pay-outs for workers who were denied sick pay and statutory leave due to false claims by companies that these workers were self-employed.<sup>58,59</sup>

Internationally, unions have been credited with negotiating higher rates of remuneration for seafarers, for example seafarers from the Philippines and South Africa in the merchant navy.<sup>60</sup> This is not necessarily always the case, however. As Jones et al. conclude: "Whilst unionisation might reduce the pay differential for some nationals working in the fishing industry, it may not do so for others, whose unions are not as effective in lobbying their cause."<sup>61</sup>

### 4.1.3 Craft versus trade unions

For worker representation there are advantages and disadvantages to large, general trade unions such as Unite, and smaller, more specific craft unions or industrial unions like the former National Union of British Fishermen. In a large, general union, workers in higher paying industries essentially cross-subsidise their counterparts in lower-paid sectors through means-tested fees. Likewise, being part of a large general union means that sectors which might generally be ignored or marginalised by policymakers have a chance to have their voices heard through consultation processes (a form of subsidisation of social and political capital). Large, general unions tend to wield more political power and have more money to support members through grievances, redundancies, and other workplace issues. Nevertheless, it is possible for smaller or more specialised industries to be drowned out within these unions, with workers in such industries failing to join as they do not see it as representing their specific needs, and much of the action in these unions being seen as irrelevant.

Craft or industrial unions, by contrast, are much more likely to be a home for workers in specialist industries to share their concerns with others facing similar issues, and therefore high levels of engagement in such unions might be more likely than in general unions. However, the benefits of cross-subsidisation from other sectors, both in a financial and political sense, are lost. In declining industries, craft and industrial unions run the risk of being marginalised into obscurity.

## 4.2 ALTERNATIVE LABOUR MODELS USED IN OTHER FISHING INDUSTRIES

While the crew share model is the most used system of remuneration in global fisheries, it is not the only one. Fixed, daily wages are issued on many vessels in the US Chesapeake Bay blue crab fishery and most US vessels in the Bering Sea demersal fishery.<sup>62</sup> Fixed wages are the norm in the Turkish fishing industry.<sup>63</sup> Another alternative is to link crew shares to vessel profits (as opposed to income or income minus operational costs as in the UK crew share model). For owner-operated vessels this profit-share model is standard practice, as is the case for co-operatives where all fishermen are owners of the means of production.<sup>64</sup> There are also adjusted crew share models. In 2003, Belgium passed a law to guarantee a minimum level of pay for each fishing trip. Partly because of this change, Belgium has crew wages nearly double those of any other EU Member State.<sup>65</sup>

There are also some notable differences in the organisation of the fishing industry. In Spain, for example, the fishing guilds (*cofradías*) take on economic and political functions and mediate between the government and the fishing sector (combining aspects of associations and POs) while also providing welfare and mutualist tasks. As trusted institutions with a long history, the guilds contribute to the legitimacy of the system in the Spanish fisheries systems in the eyes of the fishers and the government.<sup>66</sup> France provides an alternative model in terms of sector organisation through its 18 POs. Like the UK, POs in France take on quota management responsibilities, but unlike the UK, they participate in market interventions such as local labels and storing product to ensure a minimum price.<sup>67,68</sup> In response to the Covid-19 crisis, these interventions were seen as key support systems for the French fishing industry.

In several parts of North America, fishers are organised through unions. In the USA, it was a small group of fishers that organised the country's first ever labour strike in Maine in 1636.<sup>69</sup> While many unions have come and gone over that time, some are still going strong, like the Deep Sea Fishermen's Union of the Pacific in Washington State that advocates for "fair wages, safe working conditions, and fisheries sustainability for our crewmen and skippers of the fixed-gear Sablefish and Pacific Halibut fisheries".<sup>70</sup>

In Newfoundland, Canada, the Fish, Food and Allied Workers Union is the largest union in the province with 15,000 members that span inshore fish harvesters, plant workers, hotel, brewery, metal fabrication, marine transportation, and mineral processing workers.<sup>71</sup> There are also active unions in the other large fishery provinces Nova Scotia in the Maritime Fishermen's Union<sup>72</sup> and in British Columbia in the United Fishermen and Allied Workers' Union.<sup>73</sup> These unions take on roles such as political lobbying for support packages in response to crises and collective bargaining for their members that fish for one company.<sup>74,75</sup>

In New Zealand there is a similar model. The New Zealand Fishing Industry Guild operates as a union and pursues collective bargaining of contracts and agreement on behalf of its members and supports members who have an unresolved employment dispute.<sup>76</sup>

## **4.3 INTERNATIONAL MOVEMENTS FOR FISHERIES LABOUR**

Just as the model of fisheries labour used in the UK industry is typical across global fisheries, so too are the vulnerabilities experienced. The contents of this briefing on the UK fishing industry are therefore informative to other global fisheries just as learnings



from other countries are relevant in the UK. These similarities also point to the importance of a coordinated international effort.

The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) is a global union federation of trade unions with members in a variety of industries, many of which relate to food processing (including Unite the Union for the UK). A meeting of IUF affiliates representing workers in aquaculture, seafood, and fish processing was held in 2015.<sup>77</sup> Led by the Norwegian Union of Food, Beverage and Allied Workers (NNN), the meeting focused on exploitation in the fisheries supply chain and summarised the dire situation as such:

*“Today about 200 million people work directly or indirectly for fish and seafood companies along the value chain. 58 million people are employed directly in fisheries and aquaculture. However, the industry, which is among the fastest growing in the global economy, provides almost only poorly paid jobs in hazardous working conditions. It has a terrible record of human rights abuses, and there is massive use of child and forced labour.”<sup>78</sup>*

There has also been focused action at the European level. In 2018, the European Transport Workers' Federation (ETF), which represents fishers, joined up with the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT), which represents workers in the aquaculture and fish processing sectors, to promote the importance of social sustainability in the CFP.<sup>79</sup> The project consisted of three thematic seminars looking at various policy areas of the CFP and the ways they can be improved to take more account of social questions, and a final conference in Brussels. The resulting documents express concern over working conditions in the fishing industry and put the blame on a lack of prioritisation and interest:

*“The CFP has tended to focus almost exclusively on environmental questions, and has never paid sufficient attention to the human aspects of a sustainable fish supply chain. Workers and their communities also deserve to be a priority in the EU's fisheries policy.”<sup>80</sup>*

Not only is there learning to be exchanged between international movements for fisheries labour, but solidarity, too. Even in a direct sense there is a need for a global perspective as fisheries is a highly global industry in its supply chain and – as detailed for migrant labour in the UK – in its use of labour. The responsibility for labour exploitation spills beyond national borders.

## 5. POLICY IMPLICATIONS

There is no quick fix for the structure of labour in the fishing industry and the vulnerabilities it generates. Nor are we, as authors, in a position to make prescriptive policy recommendations. However, the research in this briefing points to policy change in four distinct areas: vessel labour practices, how fishers organise, industry regulations, and wider economic policy.

### 5.1 CHANGES IN VESSEL LABOUR PRACTICES

#### 5.1.1 Alternative payment models for fishing crews

The use of the crew share remuneration model has a long history in the fishing industry, but it is not the only remuneration model used in international fisheries, nor is it the only model used in the UK industry. As industry profits increase year-on-year, while low levels of recruitment into the industry is a common complaint, a conversation about how the financial returns to fishing are divided – the method and the share of income – is long overdue. Few people in the industry would suggest that the status quo is working to attract and retain young workers. It is time to try something different.

#### 5.1.2 Worker representation for fishing crews

As this briefing details, the strength of a union is in its definitive remit to protect the interests of workers; its formalised and historically recognised status, which provides it with leverage as a voice for workers; and the expansiveness of its responsibilities. It therefore covers many of the gaps left by other bodies representing the fishing industry and provides safeguards against the interests of workers being compromised in the interest of profit. Without the representation and collective power of a union, workers are at the mercy of the employers' decisions, with no ability to influence them. As shown in examples across Europe,<sup>81</sup> ensuring union principles are represented in the forms of financial support made available – whether in the form of a credit union or financial co-op – ensures that this financial support can be more expansive, and include advice on debt and financial management, which are significant problems in the sector.<sup>82</sup>

Regardless of the model used to represent workers, be it in the form of a small, specialised craft union, or a larger general union, it is critical that this representation exists in order for fishers across the UK to improve their pay and conditions, and for policymaking to take into account the needs and priorities of fishers working at all levels of the industry.

Domestic fishers unionising to demand improvements in their own pay and conditions must demand the same for migrant workers, to prevent risk becoming simply outsourced to migrant labourers outside of domestic labour protections.

## **5.2 CHANGES IN HOW FISHERS ORGANISE**

### **5.2.1 Pool resources to tackle financial insecurity**

Financial vulnerability is a shared issue across the self-employed workforce, particularly acute for those who are lower paid. This vulnerability has come into sharp focus because of the Covid-19 crisis, which has left many without an income.

A fisheries co-operative could combat this financial vulnerability by providing an essential safety net for fishers in times of little or no income, enabling them to make financial plans, and ultimately preventing them from slipping into destitution. Payments would be made into the co-operative through scheduled contributions (fixed annual or monthly amount) or a levy on earnings (a percentage). A fisheries co-operative would also bring resources and economies of scale to the industry. These could include group purchasing power, group insurance, sick pay, a tax and HR function, and other functions often handled by a PAYE employer. This would follow the model provided by agricultural co-operatives.<sup>83</sup>

An alternative model is a financial co-operative operating in the form of mutual insurance in partnership with a trade union.<sup>84</sup> Such a partnership could function to expand the remit of such a co-operative, for instance by providing financial advice, debt relief, and support with navigating the tax system, through the union. This model would also ensure that principles of mutual support, rather than top-down support, are emphasised, something which would address the need for many self-employed workers, particularly fishers, to retain their autonomy.<sup>85</sup> Partnering with a trade union could also safeguard financial support from infiltration from larger employers, ensuring, for example, that financial need could be assessed impartially rather than against profit targets.

The National Union of Rail, Maritime and Transport Workers (RMT) has a credit union, which it describes as a “mutually beneficial savings and loan organisation which offers ethical savings and loans to its members,”<sup>86</sup> providing a good example of how a mutual financial support scheme could operate in partnership with a trade union. The RMT, as a representative of maritime workers, would be a natural home for fishers looking to join a large general union.

## 5.2.2 Form representative organisations

The need for representative organisation in the fishing industry has long been clear. Fisher associations, POs, and federations have formed and reformed to meet this need. Not all needs are being met, however.

First and foremost, some sections of the fishing industry and some parts of fishing labour are not covered. POs now predominantly function as quota managers and as such the vast majority of the small-scale fleet is not in PO membership.<sup>87</sup> Fishing federations that perform the bulk of political lobbying and advocacy for the sector are based around the needs of their members: large POs and associations. Research has shown that these federations wield enormous influence but with divergent views from much of the small-scale fleet on key issues.<sup>88</sup> For example, from an industry of 12,000 fishers, 48% of the media interviews on Brexit and fisheries are attributed to a single SFF spokesperson.<sup>89</sup> Alarminglly the UK government's press releases for the UK fisheries white paper and the UK fisheries bill included quotes from federation spokespeople who were consulted on the documents in advance,<sup>90</sup> something unheard of in other industries.

The absence of a voice for the small-scale fleet has been noticed and organisations dedicated to the needs of the fleet (NUTFA for political representation, Coastal PO for business needs) have sprung up in the last decade. There is no representative organisation that specifically represents fishing crew.

There is therefore a need for new representative organisations to fill the gaps, but reforms can also be made to existing organisations. The government could create an online quota-swapping platform to empower fishers and not just POs.<sup>91</sup> Privileged access for lobbying organisations representing one part of the sector should be removed to ensure representation covers the full diversity and needs of the UK fleet.

Finally, as these labour vulnerabilities in the fishing industry become apparent, it is important not to repeat the same mistakes that have been made when it comes to representation. There is a possibility that labour vulnerability will be co-opted by the parts of the fishing industry with the most powerful voices and the deepest pockets. This appears to have already happened with the recently formed Fishermen's Welfare Alliance.<sup>92</sup>

## 5.3 CHANGES IN INDUSTRY REGULATIONS

### 5.3.1 Prioritise a new arrangement for migrant labour

The situation regarding migrant labour in the UK fishing industry has prompted complaints from all parties involved. Within the fishing industry there are best practices that can be drawn on, for example in the Netherlands a collective bargaining agreement was struck on behalf of non-EU offshore fishers to guarantee rights and wages.<sup>93</sup>

It is also clear, however, that there is a need to address issues of migrant labour through UK immigration law, as well as international labour law, to ensure the workers in question are protected rather than penalised. In their evaluation on the use of migrant labour in the Scottish fishing industry, Jones et al conclude:

*“We recommend that policy makers and governing institutions address pay inequalities in maritime fishing both domestically and internationally. At the moment, this responsibility rests on employers, but we do not believe employers should be left to carry the responsibility on their own: they need to be supported by national and international intervention in the labour market to protect workers’ putative rights to equal and fair pay.”<sup>94</sup>*

The recommendations made by Focus on Labour Exploitation in response to the 2020 Immigration Bill provide a useful roadmap of how migrant workers in low-paid work can be supported through improvements in the immigration system in a UK context.<sup>95</sup>

### 5.3.2 Formalise and enforce working conditions

ILO C188 has the potential to improve working conditions on board fishing vessels. Based on the audit commissioned by the South Western Fish Producers Organisation, it appears that many provisions of ILO C188 are not in place.<sup>96</sup> This is not necessarily because of bad practice but simply a lack of knowledge of ILO requirements and a culture of informality.

Fisheries control agencies should ensure ILO C188 is being implemented in a manner that is as constructive as possible. It is positive to see that the Maritime and Coastguard Agency has been offering guidance on implementation, for example on the minimum mandatory contents of the required fishermen’s work agreements.<sup>97</sup> This guidance should also emphasise that ILO C188 allows for both contracted and crew share models, as this issue has caused confusion and concern in the industry.<sup>98</sup> Fisher associations, POs, and other organisations helping the sector should engage with ILO C188

implementation. A package of templates for many of the required policies can be provided.

### **5.3.3 Reform fishing opportunities to promote new entrants into the industry**

While there is a whole host of reasons why it is difficult to recruit young workers into the fishing industry, it cannot honestly be said that it has been tried. Access to UK fisheries, termed ‘fishing opportunities’ were originally gifted, free of charge to some of those already in the industry. This happened when vessel licences were capped and again with the introduction of fishing quota in 1999. By one calculation, the gifting of fishing quota to those who were in the fishery at the time constituted the largest “squatting claim” in UK history.<sup>99</sup> Current generations must buy into the industry through the purchase of a vessel, licence, and quota (for fisheries managed through quota limits). The prices of all three assets continue to increase creating a severe economic barrier to new entrants.

There are options for reform. In some systems, like the Danish ‘Fishfund’, a portion of the national quota is set aside as a loan for new entrants while they get started in the industry.<sup>100</sup> More fundamental reform is also available, such as the state giving notice that it is ending the privatisation of fishing quota and allocating all of the asset according to social, economic, and environmental criteria.<sup>101</sup>

## **5.4 CHANGES IN WIDER ECONOMIC POLICY**

Even a perfectly designed fishing industry, governed by the perfect set of fishing regulations, would leave a vulnerable industry given the current structure of the UK economy. Many of the issues faced by workers in the fishing industry are illustrative of wider trends of inequalities of power and income in the broader economy, which have taken place over the past three decades. This can change, however, and we can create a new economy that works for people and operates within environmental limits.

### **5.4.1 A Blue New Deal for coastal communities**

Coastal communities in the UK have been at the receiving end of many macroeconomic and societal changes in the UK. Compared with their inland counterparts, these communities have lower incomes, higher unemployment, and lower levels of education.<sup>102</sup> Businesses in coastal communities have lower rates of start-ups and higher rates of insolvency.<sup>103</sup>

For several years, NEF has been working on a Blue New Deal that would deliver good jobs for coastal communities through healthy seas.<sup>104</sup> With the help of hundreds of project partners around the UK coast, the Blue New Deal programme developed 20 recommendations for action covering coastal industries from energy to tourism to fishing.<sup>105</sup> This kind of joined-up thinking is required; after all, the fishing industry is only as healthy as the communities and marine environment that support it.

### **5.4.2 A minimum income guarantee**

Key in guaranteeing the viability of the industry for a future workforce is protecting against financial insecurity, something also vital for the gig economy and self-employed workers. The Covid-19 crisis has highlighted the dangerous precipice many people in the UK are facing with regard to basic financial provision to ensure survival, a challenge all too familiar for many in the fisheries industry. To address this insecurity, NEF advocates that the government provides a minimum income guarantee (MIG) at a flat rate of £221 per person per week for every working-age adult.<sup>106</sup> An MIG would provide a vital lifeline to cover basic needs in times of lost or reduced earnings, which could prove invaluable for fishers during gaps between jobs. An MIG would be a “comprehensive, sufficient, non-conditional, non-means tested at the point of access, minimum income floor to catch everyone who is currently missed out by the job retention scheme and the self-employed income support scheme.”<sup>107</sup> This would address the need for a basic guarantee of financial security, faced by fishers and many other workers.

## 6. CONCLUSION

There is a tremendous appetite for change in the UK fishing industry. The exit from the EU's CFP has thrown open the doors to a reimagining of what the industry could look like. The UK government is thinking ambitiously as well, promising "a gold standard for sustainable fishing around the world" in its fisheries white paper.<sup>108</sup> With a new era of change in UK fisheries why would, or why should, fisheries labour remain unchanged?

Based on the research covered in this briefing, it is clear that addressing all of the issues associated with fisheries labour will require action across multiple areas, from changes in vessel labour practices including alternative payment models for crew and worker representation, to changes in how fishers organise including pooling resources and representative organisation, to changes in industry regulations including a new arrangement for migrant labour, formalised working conditions, and access for new entrants, to changes in wider economic policy including a Blue New Deal for coastal communities and a minimum income guarantee.

More important than any one policy change, however, is a recognition that fishing labour should be part of our imagining of a new future for the UK fishing industry. Labour issues, and social sustainability more broadly, must sit alongside environmental and economic pillars for a truly sustainable system.



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