

Notes on SECLG Bite-size meeting. Wednesday 27 May 2020. ILO 188 compliance: best practice.

This Seafood Ethics Common Language Group Bite-size meeting explored the adoption of the ILO Work in Fishing Convention (C188) by the UK fishing industry and the vulnerabilities created by COVID-19.

The Maritime and Coastguard Agency Marine Guidance and Information Notes.

https://seafish.org/media/SECLG_May2020_MCA.pdf

This focussed on the background to the creation of the Marine Guidance Note MGN 413 amendment 2, which is a Voluntary code of practice for employment of non-European economic area (EEA) fishing crew. This highlighted fatalities in 2010 and 2017 which flagged up health and safety concerns surrounding crew on board vessels in port. The new Guidance Notes takes into account the stipulations contained in ILO C188.

Discussion

- **Comment.** There is nothing in Border Force rules to stop workers going on shore and staying on shore but this does raise the question as to whether a fishing boat alongside is really suitable accommodation. Harbours are not necessarily providing all the right facilities. Not seen many improvements to domestic accommodation.
- **Q. Have the MCA set a target for looking into ILO 188 implementation re accommodation.**
A. Inspection under ILO 188 happens every five years so this is a work in progress. It always takes time to embed new standards. There is also an acknowledgement by the MCA that reasonable periods of time would be allowed to update accommodation. However it is now over a year since the UK ratified ILO 188 and we should be seeing changes. It takes time for surveyors to get round all vessels. It is really a five year cycle to get tight round everybody. There are provisions to raise issues about particular vessels and real problems should be highlighted.
- **Q. How will C188 be tested? How can a fisher challenge whether accommodation is fit for purpose? There is some need for an assessment/judgement call. What procedures should be followed?**
A. Contact MCA or in writing/email address dedicated to this. It is not always cut and dried but there should be a reasonable expectation. The MCA should keep complaints confidential.
- **Q. Are there any statistics as to how many fishers do live on board a vessel?**
A. It is unlikely the data is collated. Just to note that it is not just migrant crew that live on board. Many UK crew live on board in harbour as well. Several smaller parts where there is no shore power. It is likely that all 850 non-EAA crew are living on SWFPA vessels.

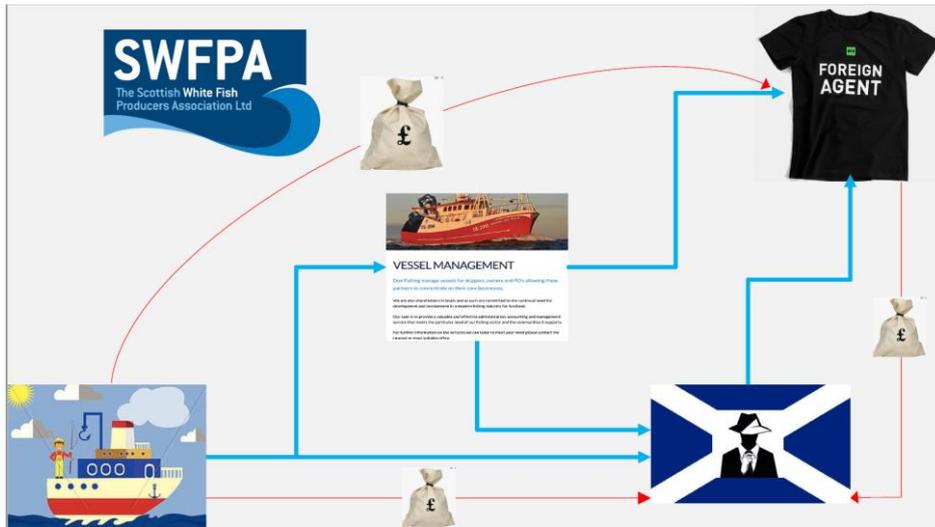
The Scottish White Fish Fishermen's Association new recruitment agency initiative.

https://seafish.org/media/SECLG_May2020_SWFPA.pdf

Key points:

- 4,860 full time fishermen in Scotland (2018) operating on 2089 vessels – 0.2% of total Scottish labour force, of which over 1200 come from outside the UK. Circa 850 of those come from non-EEA countries. The main nationalities are Philippines, Sri Lanka, India, Indonesia and Ghana.
- Best practice for us includes: In country visits every six-months with regular audits of the agents as well as discussion with Embassy staff – most recent visit to Abu Dhabi and New Delhi. SWFPA is very keen to ensure standardization of contracts. This is all aligned to ILO 188 and relaxation of legislation regarding the employment of non-EEA crew. Maintaining the best standard possible is very important to the association.

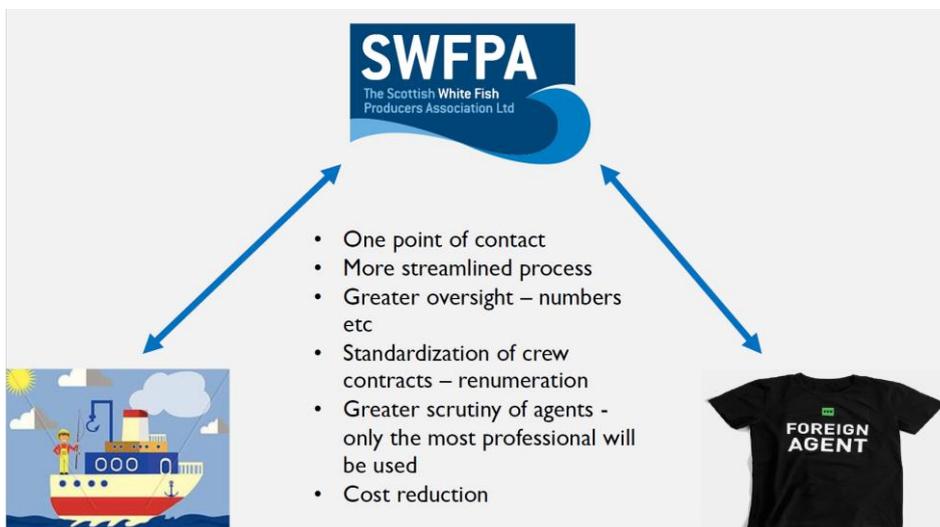
The employment cycle of non-EEA crew on a UK fishing vessel is typically as follows:



New idea for new recruitment agency initiative



A more streamlined process



Discussion (including the points raised by David Dickens, Fishermen's Mission)

- **Q. What agencies do you use? How do you select them?**
- **A.** Where there are a number of good agencies we start with ones we know and rely on testimonies. We filter, dig further and meet. We look at the fees they charge, how they try to improve language skills etc. However there are probably too many agents being used.
- **Q. How can you verify how streamlined a recruitment route is?**
- **A.** We understand what fees are legitimate fees i.e. the actual fees charged for finding workers is legal. We do not think there are bonded fees as a rule, but we are aware of problems in India. In country the POEA website has a list of licensed agents.
- **Q. There are tax benefits when recruiting from the Philippines. Is there a particular reason for not hiring Filipinos exclusively (given the tax regulations)? Why do you look in loads of different countries? Why do you look elsewhere?**
- **A.** This did all start with the Philippines and they are the best source country, they are the most reliable crew and this is a more secure route. There has however been an HRMC hiccup recently. Manning agents in the Philippines will not supply to all UK boats.
- **Q. When visiting overseas do you meet in country representatives, such as from Stella Maris and other welfare organisations, who are in regular contact with fishers and their families?**
- **A.** In-country (every second visit) we do meet with the families but it would be useful (offline) to look into this more.
- **Q. Why have you chosen this moment to establish your own recruitment agency?**
- **A.** It has taken time to go through a change process. This was always an area we wanted to explore but we needed to get the system right. We are pleased that retailers have offered to engage. We aim to elevate the whole system
- **Q. Do overseas agencies tend to specialise in fishermen, or are they more general agencies for seafarers/overseas workers?**
- **A.** This varies. In the Philippines they tend to be mostly specialised and they send fishers worldwide. The UK pays the most so is the most popular destination.
- **Comments.** The more modern the vessel the better the standard of accommodation. It is older vessels that are the issue. Every country has a list of licensed manpower providers. We need to find out more about how the unlicensed recruiter is recruiting in country. There has been an issue with nine Ghanian fishers (informal agents) in the last week.
- **Q. The issues are usually with vessels that are not part of any Association. What can we do about these?**
- **A.** These vessels are businesses so need a licence to operate. This could become a condition of the licence. The ability to fish comes with a social responsibility.
- **Crew voice and onboard living conditions.** This is a mixed picture and the MCA are responding well when an issue is raised but it is going to take five years to get round all boats re living condition and harbours need work as well. Many old standard vessels are probably the best they are going to be. We are still finding illegal contracts and cases where wages are being withheld.
- **COVID-19.** There are some non-EEA crew who have expired contracts or are no longer wanted. Some have problems and others are being looked after by owners/skippers on their vessels. They are not being included in the TU negotiation with regards to repatriation and flights and are not being given the say priority as Merchant seamen. Transit visas mean you cannot rotate crew because of the visa restrictions.
- **Q. How many fishers are stranded in the UK? Is there any opportunity for them to be found other work in the UK under agreement with government, as an exception to visa rules?**
- **A.** The Fishermen's Mission is aware of 10. They could possibly be employed elsewhere (on the land) but this needs clearance to do that before the fish come back.