



**FOCUS ON
LABOUR
EXPLOITATION**

Rt Hon Yvette Cooper MP
Home Secretary
2 Marsham Street
London

14th November 2024

Exploitation of Migrant Fishers in the UK Fishing Industry

Dear Home Secretary,

We are writing to you in the context of increasing concern and recognition of the fact that fishers are facing breaches of their human right not to be held in slavery or servitude and not to perform forced or compulsory labour.

On 24th October 2024, news that the Government settled a claim from three migrant fishers raising a Human Rights Act claim was announced by Leigh Day Solicitors.¹

Today, in recognition that this was not a single outlier case but a systematic problem across the industry, we bring you practical, feasible policy solutions to turn the situation around. We offer our expertise and ideas for these workers, on which the fishing industry depends.

The previous Government's failure to proactively ensure that the work migration routes that they have established do not facilitate or safeguard against slavery and forced labour has created a situation where we will continue to see systemic violations of fishing workers' until robust action is taken. By contrast, we welcome the priority given by Government to improving employment rights, including the recent commitment to strengthening seafarers' rights within the Employment Rights Bill as well as the establishment of a Fair Work Agency to improve labour market enforcement.

Our vision is for a flourishing UK fishing sector that is properly crewed and produces top-quality seafood for domestic and international markets. This can be achieved while providing skilled, secure jobs in rural coastal communities reliant on fishing or via a transparent, fair and safe employment for migrant workers who are treated with dignity and respect and can strengthen the fishing sector for a sustainable future when it comes to labour.

As a coalition of organisations working with and for the interests of migrant fishers, we ask this Government to take advantage of this opportunity to address the risks of labour exploitation that persist in the UK fishing industry.

Context

As outlined above, labour exploitation of migrant workers in the UK fishing industry has been overlooked since the creation of the Seafarers Transit Loophole in 2008, despite the new risks stemming from poorly regulated international recruitment.

There is a clear need and opportunity to fix the current situation which does not work for migrant fishers, regulators or for the fishing industry. Creating a work migration framework which ensures migrant fishers can access employment rights in practice will drive up standards for all workers, ensure national and international compliance and safeguard the future of the fishing industry.

Exploitation in the Fishing Sector

The misuse of Seafarers Transit Stamp ('Code 7' leave)² means that migrant fishers are left with insecure migration status. This leaves workers vulnerable to labour exploitation, even if they are living on UK-flagged fishing vessels in UK ports and working for UK companies that sell into the UK supply chain. This is because fishers are criminalised³ by their irregular immigration status, meaning they are working in breach of the UK immigration rules. This leaves them entirely reliant on their employer, and unable to come forward to authorities for protection or support. Though no official statistics exist, International Transport Workers' Federation (ITF) estimate that there are around 2,000 migrant workers in the UK fleet who are recruited via the Seafarers Transit Stamp.

Fishers with the Seafarer Transit Stamp are excluded from UK employment protections, minimum wage guarantees, access to social security and are largely excluded from healthcare. Furthermore, accidents are not reported⁴, compensation for injury or loss of life is not enforced and a culture of fear and isolation dominates their working reality. Leading research has shown how the lack of status and rights for workers on these visas can lead to labour exploitation, creating a two-tier employment system that disadvantages migrant fishers.⁵

Oversight and enforcement is also extremely insufficient. There is no labour market enforcement in UK fishing⁶, many accidents and injuries go unreported, paid leave and social security payments are not made, and racial abuse and threats are widespread and frequent. The National Referral Mechanism fails to address the core issues faced by the exploited workers themselves and only provides patchwork and inadequate support for survivors of trafficking. Further, it provides no assistance to workers whose treatment is not deemed to meet the threshold of trafficking, despite the potentially serious repercussions for individuals who've faced such labour abuses.

To address these challenges, we lay out what we see as the ten vital requirements for reform:

- 1. Conduct a formal review of the use of the Seafarers Transit Stamp** (Code 7 leave) for recruiting migrant fishers from outside the European Economic Area (EEA) to work on UK flagged fishing vessels that are owned and operated by UK companies;
- 2. Collect and publish statistics on use of the Seafarers Transit Stamp** for UK fishing vessels fishing exclusively outside UK territorial waters.
- 3. Conduct a formal review of the skilled visa worker requirements**, and its inclusion on the Immigration Salary List, and its practical applicability to migrant fishers working on UK fishing vessels with attention given to English language and safety standards for migrant fishers in the UK.
- 4. Establish a cross departmental advisory group** to work with civil society to address the risks faced by migrant fishers.
- 5. Provide clear guidance and enforcement powers** regarding International Labour Organization (ILO) Conventions 188 (the Work in Fishing Convention) and 190 (the Violence and Harassment Convention) in the UK fishing sector.
- 6. Ensure all migrant fishers on the Seafarer Transit Stamp have the same rights and protections (including wages) as those on Skilled Worker visas.** This should apply universally, regardless of where vessels operate, as these workers live and work in UK ports on UK flagged fishing vessels.
- 7. Ensure labour market enforcement in UK fishing** and that the UK national minimum wage and working time directives are applied on all UK-flagged vessels, and ensure adequate powers, strategies and resources are in place.
- 8. Review the regulation and licensing of recruitment agencies** bringing migrant fishers workers into the UK
- 9. Ensure that the forthcoming Fair Work Agency is accessible to migrant fishers in practice**, and provided with robust enforcement powers which enable them to protect and support fishers. These reforms must be grounded in the principles of protected reporting, evidence-based resourcing, compliance with international standards at a minimum, safe reporting / grievance mechanisms, fair and efficient remediation, gender sensitivity, and meaningful worker participation.
- 10. Introduce a bridging visa such as Australia's 'Workplace Justice visa'**, enabling migrant fishers who have been exploited to take claims against employers.

ITF-affiliated trade unions have also called for a mandatory Fishers Welfare Charter (to mirror the Seafarers Welfare Charter) due to the clear and present risks for the thousands of migrant workers in this sector. They have also called for sectoral bargaining for employed workers in the UK fishing sector. They call for a sectoral bargaining model that covers all workers in the UK fishing fleet and sets a standard for employers, including on work and rest, wages, as well as occupational safety and health.

These reforms are essential for creating a fair and sustainable fishing industry that respects workers' rights, while providing assurances to producers, retailers and consumers that the seafood they enjoy is free from exploitation.

We ask the Government to use the significant opportunity of the Employment Rights Bill to introduce these measures in the interests of fishers and UK industry. To deliver these changes, we recommend the establishment of a cross-governmental advisory group, where civil society organisations and trade unions can provide expert input on the measures needed to end exploitation in the fishing sector.

Sincerely,

Focus on Labour Exploitation (FLEX)

International Transport Workers' Federation (ITF) Fisheries Section

Nautilus International

Stella Maris

The Seafarers' Charity

Ethical Trading Initiative (ETI)

1 See: Leigh Day. (2024). Fishermen rescued from TN Trawlers boat settle claim against Home Office. [24 October 2024]. Available at: <https://www.leighday.co.uk/news/news/2024-news/fishermen-rescued-from-tn-trawlers-boat-settle-claim-against-home-office/>

2 ITF. (2022). A One Way Ticket to Labour Exploitation. Available at: <https://www.itfglobal.org/en/resources/one-way-ticket-labour-exploitation>.

3 ITF. (2023). Detained and 'voluntarily' removed: migrant fishers treated as criminals not victims by UK Home Office. Available at: <https://www.itfglobal.org/en/news/detained-and-voluntarily-removed-migrant-fishers-treated-criminals-not-victims-uk-home-office>.

4 ITF. (2024). Response to FOI request to MAIB. FOI-00016955 'Death/Injury breakdown of UK registered fishing vessel accident casualties by their nationalities'; ITF. (2022). Response to FOI request to MAIB. F0021649 'UK Vessels Nationalities.'

5 See: Sparks, J. (2022). Letting exploitation off the hook?: Evidencing labour abuses in UK fishing. Rights Lab. Available at: <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2022/may/letting-exploitation-off-the-hook.pdf>; ITF (2022) *ibid*, note 2.

6 FLEX. (2023). Exploitation in the UK fishing industry; Problems with a lack of labour market enforcement. Available at: <https://labourexploitation.org/news/exploitation-in-the-uk-fishing-industry-problems-with-a-lack-of-labour-market-enforcement/>.

