



# SWFPO

## Business and Human Rights Audit 10 January 2019



This independent Report was prepared by Human Rights at Sea International Ltd ("HRASI") and commissioned by South Western Fish Producers Organisation Ltd ("SWFPO").



[www.hراسi.org](http://www.hراسi.org) | [enquiries@hrاسi.org](mailto:enquiries@hrاسi.org)



## Abstract

As part of its approach towards Corporate Social Responsibility (“CSR”), the South Western Fish Producers Organisation (“SWFPO” or “the Organisation”) commissioned a bespoke business and human rights focused audit of its membership and the fishermen working on board its members’ vessels. The research methodology was designed in such a way as to provide SWFPO with a comprehensive overview of the status of human rights and welfare provision within the Organisation. It is intended that the information obtained from this audit and accompanying report will help to inform the future role of the Organisation with respect to the advice and guidance it offers its members in relation to fishermen’s welfare and human rights and, vitally, the management systems its members use to meet these requirements.

With the advent of the International Labour Organisation (“ILO”) *Work in Fishing Convention* (No.188) (“ILO C188”) and the impending UK legislative measures which will give effect to this Convention, SWFPO recognises the need to plan and prepare for the future of the Organisation and its membership under a new industry-specific welfare and human rights regime. Various hurdles have presented themselves with respect to the UK fishing industry more broadly. Issues relating to on-board living and working conditions, contractual arrangements, hours of work and rest, rates of pay, and the potential pitfalls of overseas recruitment, to name but a few. The industry has also come under scrutiny from investigative journalists, law enforcement, trade unions and crew welfare organisations in respect of the above issues. It is fair to say that the actions of a few unscrupulous parties have brought the industry into disrepute in recent years. It is not fair, however, that all fishermen have been ‘tarred with the same brush’. Yet in this age of soundbites and snappy headlines, it perhaps comes as no surprise that a theme of guilty until proven innocent reigns, and that guilt by association is an unavoidable concomitant until demonstrated otherwise.

Nonetheless, SWFPO and others among the industry have taken the initiative to do just this. Through the commissioning of bespoke business and human rights audits and the adoption of a transparent ‘know & show’ culture with respect to issues unearthed and lessons identified, such parties are able to factually demonstrate that they, and their members, do operate in a responsible way and that to label them otherwise is unfair and unfounded.

Additionally, recognising that longevity and business sustainability for its members relies on a robust and satisfied client base, SWFPO are mindful of the effects of the Modern Slavery Act 2015 and similar impending legislation in Europe, and the vital role its members play within the supply chain of their clients. To this end, the Organisation intends to use the information obtained in this report to help inform its advice and guidance to members with respect to a system of sustainable, responsible and effective fisheries supply chain management.

The business and human rights audit report is confidential. However, it is counselled that SWFPO should share the report’s findings publicly after internal consultation and consideration of the recommendations.

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## Executive Summary

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The advent of the International Labour Organisation (“ILO”) *Work in Fishing Convention* (No.188) (“C188”), heralds a sea-change moment for many within the UK fishing industry. Planning and preparation in anticipation of the effects of the Convention are now underway in many parts of the world. As part of its commitment to improving the working and living conditions of fishermen in the UK, the South Western Fish Producers Organisation (“SWFPO”) has commissioned a bespoke ‘Business and Human Rights Audit’ focusing specifically on the welfare and human rights of its members’ crew and the management systems in place to facilitate compliance. The audit considered welfare and human rights related matters both from the perspective of the crew and vessel owners. The information gleaned from the audit findings will help inform the future measures adopted by both SWFPO as a producer’s organisation and its members as beneficiaries of SWFPO-led advice and guidance.

**The audit utilised a multi-strategy research methodology.** Qualitative semi-structured interviews formed the bedrock of the methodology. Crew members were interviewed in person whilst vessel owners were interviewed via telephone. Respective population sizes of approximately 400 crew and 28 vessel owners were calculated. The interviews sought to gain an appreciation for the working conditions and circumstances of fisherman on board SWFPO member vessels and the management systems vessel owners have in place to ensure compliance with basic human rights. Among others, this included an analysis of welfare provision, contractual arrangement and the awareness of vessel owners in relation to their legal obligations under industry specific and UK legislative criteria.

**The audit findings are largely of a positive nature.** Fishermen are perceived to be happy in their work and treated fairly by the vessel owners. **No evidence of a breach of fundamental human rights was discovered during the course of the audit.** Fishermen are working in the UK fisheries by choice. **No suggestion of payment for the opportunity of work or circumstances of debt bondage presented themselves.** Fishermen are in possession of all personal documents and retain control over these at all times.

Wages are paid by the vessel owner on a regular weekly or monthly basis and fishermen state that the correct wage is received. Payslips and copies of settlement sheets are in the main provided to the fishermen although in some significant cases relating to employed fishermen this is not the case. **Fishermen did not report any instance of debt as a result of working on board SWFPO member vessels and in only one instance did a share fisherman state that he had been deducted wages by his employer.**

In all but two cases, fishermen sending money overseas to their families indicated that they did so without incurring any expense to themselves.

Among others, **fishermen reported high levels of satisfaction with respect to working conditions, personal protective equipment, work and rest hours, accommodation standards, medical provision, food and water, and telephone and internet access.** Vessel owners indicated a strong commitment to ensuring high living and working conditions and



purported to operate systems to ensure this. However, many of the systems were not documented and a significant proportion of SWFPO members do not have a Safety and Welfare Management System to which they can refer on such matters.

Further, **many SWFPO members indicated a lack of awareness with respect to industry specific developments and fundamental business management practices in terms of company policies.** Many members seemingly do not perceive themselves in corporate terms and therefore believe that certain industry initiatives are not applicable to them. However, by running commercial enterprises they are very much caught by the various initiatives underway and legal framework in place, either directly or indirectly, ILO C188 and MSA transparency in the supply chain effects notable cases in point.

**18 recommendations in total have been made.** These range from addressing the scarcity of documented processes and procedures in operation by SWFPO members to drafting of relevant policies and offering advice and guidance in relation to ILO C188 compliant practices. The recommendations essentially seek to fill the void left by the absence of corporate approaches by some members to the commercial enterprises they run.

In conclusion, the audit findings are wide-ranging and offer a good opportunity for SWFPO members to gauge where they are at with respect to industry developments. Clearly, evidence suggests that the fishermen under the employ of SWFPO members are satisfied in their work. But **from a corporate perspective, members need to be able to demonstrate an objective commitment to fishermen's welfare and human rights protections.** They also need to fully recognise their role within the wider supply chain. In the light of impending ILO C188-related UK legislation, the findings hopefully reveal some of the key challenges which lie ahead; challenges of which are all capable of being overcome.

*Signed on Original*

**Daniel Shepherd**  
**Human Rights at Sea International Ltd**

**10 January 2019**



## Introduction

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1. Business and human rights are inextricably linked. Today, the legal obligations on commercial entities to ensure that their operations and supply chains are free from human rights abuses are greater than ever. Companies cannot plead ignorance or turn a blind eye to such occurrences. Corporate obligations do not simply apply to the workers they employ. These obligations apply to anyone affected by the company's business.
2. The need to positively act to ensure human rights abuses do not occur within a company's operations or supply chain stem from an array of legal imperatives, the principles of which are extolled by the UN Guiding Principles on Business and Human Rights. However, the driving force for change also comes from the potential reputational risk defaulting companies may face and the commercial effects such reputational damage can inflict upon profits. Human rights considerations are therefore a necessary and intrinsic aspect of any modern-day management system, for legal and financial reasons. It is against this backdrop that SWFPO have commissioned a bespoke audit of both their membership and the crew who work on board their vessels.
3. SWFPO is a fish producers organisation (PO). Its primary function is to manage the quota of its members' fish. However, in recent times POs like SWFPO have taken on broader responsibilities with respect to managing the corporate social responsibility (CSR) programmes of their membership. SWFPO therefore fulfils a key CSR function insofar as ensuring human rights abuses do not occur within any of its members' operations and/or supply chains.
4. The current landscape with respect to welfare and human rights considerations in the UK fishing industry is undergoing significant change. SWFPO have proactively taken the measure to review the advice and guidance it offers to members in relation to human rights and crew welfare as a direct result of this. Indeed, SWFPO has been eager to have its' say and set the record straight with respect to concerns it has over certain recent reporting, notably the Seafood Slavery Risk Tool ("SSRT")<sup>1</sup>, and how this has disproportionately and unfairly prejudiced its membership working in the Scallop sector. This sector accounts for approximately 45% of production within the SWFPO fleet and the reputation of its members is central to this continuing success.
5. SWFPO therefore hopes that the information gleaned from this business and human rights audit can be used to refute any allegations of human rights abuses in its mainly Scallop and Beam Trawler sector. The 'tarring with the same brush' approach has wrongly and unreasonably included SWFPO members in the Organisation's view. SWFPO's primary concern is that the entire UK Scallop sector (with the exception of RFS certified vessels) has been defined as a 'critical risk' category by the SSRT, thus discrediting both the UK catching sector and, by virtue of the methodology employed, the SSRT itself.

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<sup>1</sup> <http://www.seafoodslaveryrisk.org>



6. Further, and central to the PO's agenda in respect of business and human rights are the International Labour Organisation (ILO) *Work in Fishing Convention* (No.188) (C188) and the UK Modern Slavery Act 2015 (MSA). Many within the UK fishing industry perceive these legislative measures to define the meaningful changes taking place in the realm of fishermen's welfare provision. As such, various organisations have commenced their planning and preparation in anticipation of the effects of such measures. In the UK such initiative is further enhanced by the establishment of the Fishermen's Welfare Alliance (FWA). This collective body comprising of representatives from various levels of the industry and associated supply chain draws on stakeholder participation outside the usual parameters of industry bodies. Through such widespread engagement the industry hopes to provide model solutions to some of the issues raised in relation to managing the welfare and human rights of fishermen.
7. With UK ratification of ILO C188 imminent, SWFPO members will soon have certain management system obligations imposed upon them. In preparation, an audit of this nature can help inform the process of ILO C188 implementation. In addition, it is hoped that SWFPO members will demonstrate to their customer base their commitment to human rights and crew welfare through transparency in the supply chain measures, notably with respect to the MSA. SWFPO welcomes any findings the audit brings to its attention and any recommendations the report may offer which in turn will help support SWFPO members in meeting their current and future legal and regulatory obligations.
8. The following report begins by outlining the key methodology employed and the limitations of conducting an audit of this nature and in such circumstances. Following on from the methodology the report looks at the key findings from both the crew and vessel owner aspects of the audit. The key findings are given context via textual and graphical analysis of the statistical data specifically in relation to ILO C188 and MSA provisions.
9. Certain findings from the crew and vessel owner aspects of the audit are then highlighted and specifically addressed and expanded upon in the context of their significance. The data findings are subsequently analysed in relation to specific Human Rights Key Performance Indicators (KPIs) followed by recommendations which focus primarily on organisational level measures for dealing with some of the highlighted concerns. The report concludes with a brief appraisal of the commissioned work and its significance in the context of broader industry developments.
10. This commissioned human rights audit reflects SWFPO's commitment to the above endeavours and, as intended, will help assure members' customers of the measures in place to tackle potential human rights abuses where they may be at risk of occurring.

## Methodology

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11. **The audit was designed in such a way as to account for SWFPO members' crew in respect of human rights protections and the provision of relevant welfare measures, and the management systems in place to both protect these rights and facilitate such provision through attendant policy and procedure.** SWFPO acknowledged that other similar work in the industry had been undertaken but wished to broaden the scope of its commissioned audit to include both vessel owners and crew. Furthermore, SWFPO did not wish to focus the audit on any one particular group of persons. Rather, the Organisation sought to encompass UK, EEA and non-EEA personnel as a whole, mindful that certain criteria in certain circumstances may vary or not be applicable.
12. An audit of this nature conducted across an extensive geographical area and contingent upon the availability of crew and vessel owners presented a number of practical difficulties. The complexity and associated costs unfortunately militated against achieving a 100% audit of all vessel owners and crew. Mindful of these associated practical difficulties, the methodology employed took account of such shortcomings whilst endeavouring to produce reliable data that could subsequently be acted upon.
13. **The research looked specifically at SWFPO's membership with respect to fishing vessel owners and the crew who work on board their boats.** The research did not target a particular aspect of the membership through purposive sampling. Instead, the research sought to garner the opinions and gauge the knowledge base of the vessel owners and crew without prejudice to nationality, ethnicity, race, gender, religion, or geographical location.
14. **The research method was based on qualitative semi-structured interviews.** Two different question sets were used, one for vessel owners, and one for crew. Vessel owners were interviewed via telephone using the contact details drawn from SWFPO's membership database. SWFPO members' crew were interviewed in person on board their respective vessels. During interview it was possible to ask respondents to elaborate on their answers and provide clarification where necessary.

## Population Size, Sample Size, Confidence Level and Interval

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15. The population size was calculated using the number of vessel owners with one or more vessels registered with SWFPO. The only category of fisherman and vessel owner excluded from this audit were owner operated fishermen operating on a single-handed basis i.e. where the vessel owner and the person operating the vessel are one and the same. All other categories of fishermen and vessel owners were included. At the time of audit, it was estimated that there were 28 vessel owners engaging approximately 400 crew over 81 vessels.

16. Based on the estimated population size of the crew (400), a confidence level of 95% and a confidence interval (margin of error) of 11% was achieved with a sample population of 63.
17. Based on the estimated population size of the vessel owners (28), a confidence level of 95% and a confidence interval of 12% was achieved with a sample population of 20.

## Interviews

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18. **Qualitative semi-structured interviewing took place on 83 occasions: 63 crew and 20 vessel owners were interviewed in total.** The interviews were conducted over a two-month period in November and December 2018. The in-person crew interviews were conducted in Shoreham and Brixham on-board the vessels to which the respective crewmen were assigned.
19. Crew respondents were encouraged to participate via the vessel owners and middle-management on a voluntary basis whilst vessel owners were encouraged to participate by SWFPO executive management. The availability of interview respondents was largely determined by prevailing fishing conditions, the time of day, and ultimately a respondent's willingness to engage with the audit process.
20. Where possible crew interviews were conducted on a one-to-one basis in a private location on board the vessel i.e. the galley. However, in some cases it was not deemed practical to conduct interviews in this way. Indeed, the limited time available for crew interviews and the time the respondents had available to them due to working commitments were key practical considerations. Furthermore, language proved problematic in some cases. English is not the first language of all respondents. As all interviews were conducted through the medium of English, in some instances it was therefore necessary to interview in small groups with the use of fluent, albeit untrained, interpreters. Telephone interviews with vessel owners did not present the same difficulties.
21. Interviews ranged between 10 and 20 minutes. All respondents were fully informed of the nature and purpose of the interview and assured that the answers given were anonymous and would be used for statistical analysis only. Although semi-structured, the interviews did provide some scope for elaboration within the question set and certain trends and/or issues raised at interview are subsequently accounted for in the report findings. Further, there was also time at the end of each interview for respondents to ask individual questions and raise any issues or concerns not addressed by the question set.

## Data Set

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22. From the questionnaires completed at interview, the data was collated and organised according to each cohort. Certain Key Performance Indicators (KPIs) built into the



question set were then categorised according to a traffic light system for identifying levels of risk. The collated data was in turn analysed and the findings are reproduced in detail below.

## Methodological Limitations

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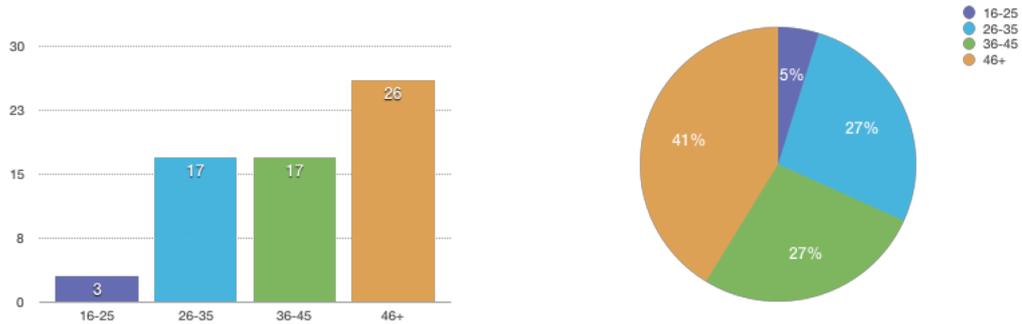
23. **Multi-Strategy Research.** Naturally, as with all audit processes of this nature, there are some limitations to the methodology adopted. Many will argue against a multi-strategy approach whilst others will extoll its virtues. This audit has sought to limit the scope for methodological error by conducting qualitative semi-structured interviews albeit via different means i.e. in-person and telephone.
24. **Interviewer Bias.** Interviewer bias cannot be discounted. All reasonable attempts at limiting the scope for bias towards a preconceived response were made in the drafting of the questions. That said, certain information was specifically sought, and practical considerations will have influenced the design and structure of the questionnaires used during the interview phase.
25. **Language Difficulties.** Language difficulties between the interviewer and some respondents were apparent in some cases and the misunderstanding of questions by some respondents cannot be ruled out. In some instances, this required the assistance of untrained interpreters who were known to the interviewee. Their presence may well in turn have influenced the answers given.
26. **Grouped Interviews.** In a similar vein, grouped interviews may well have affected the answers given by respondents. Although in this instance such management of interviews was borne out of practical necessity, the honesty in the answers given may have been tainted by the presence of others. Conversely, respondents may have felt emboldened to proffer fuller and more honest answers.
27. **Respondent Participation.** Respondent participation is always a concern when undertaking research of this kind. Various factors may inhibit the intended sample size from being reached. Indeed, one of the reasons for adopting a multi-strategy approach was to compensate for the physical availability of vessel owner respondents. Some relevant factors which may have been a cause for the reduced availability of respondents, both crew and vessel owner, are the weather, other business or familial commitments, and the proximity of interview locations.
28. **Survey Fatigue.** Finally, survey fatigue may well have been a factor in the availability and willingness of respondents to participate in the research project. Fishermen are regularly asked to complete such interviews and questionnaires, and many will avoid doing so simply because of the high number of requests being made.

## Findings

### Crew

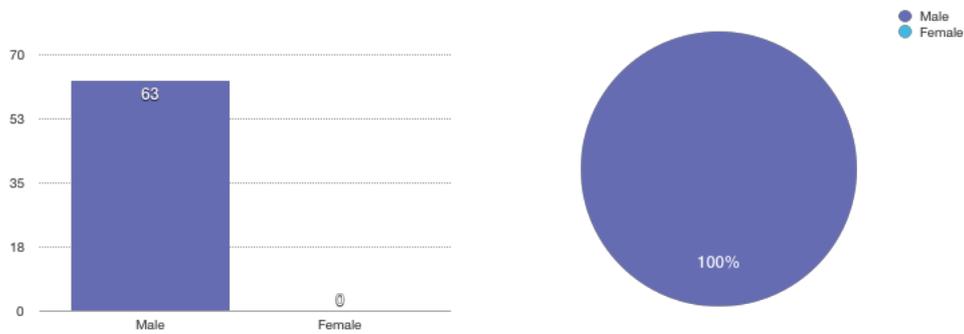
#### General Information

##### 29. Crew Age



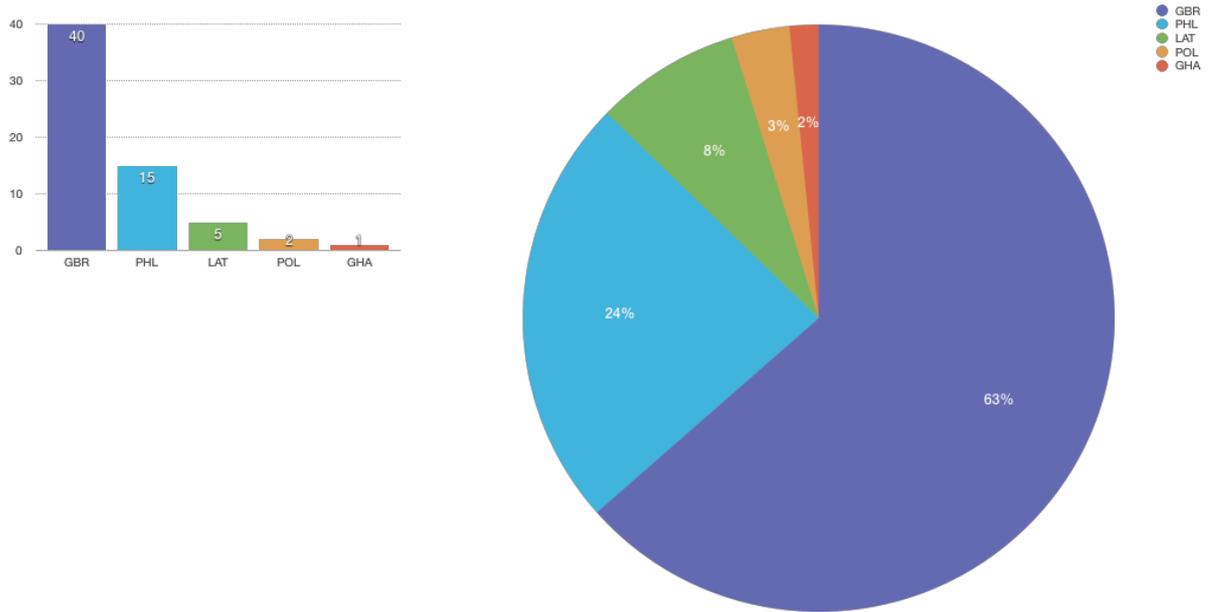
5% of SWFPO members' crew fall within the 16-25 age range category. 27% fall within the 26-35 and 36-46 age range categories respectively, whilst the remaining 41% fall within the 46+ age category.

##### 30. Crew Gender



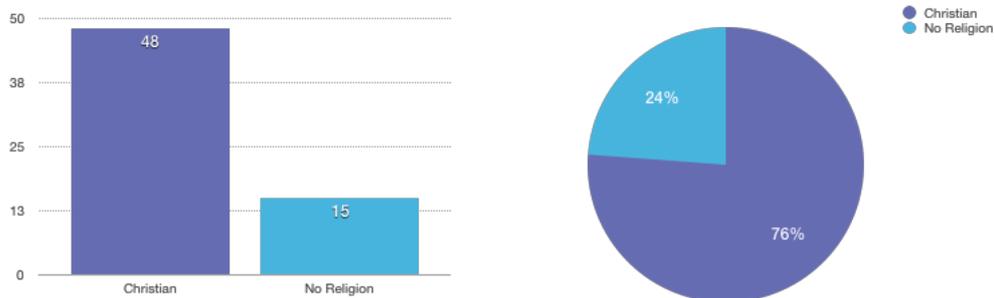
All crew working on board SWFPO members' vessels are male.

### 31. Crew Nationality



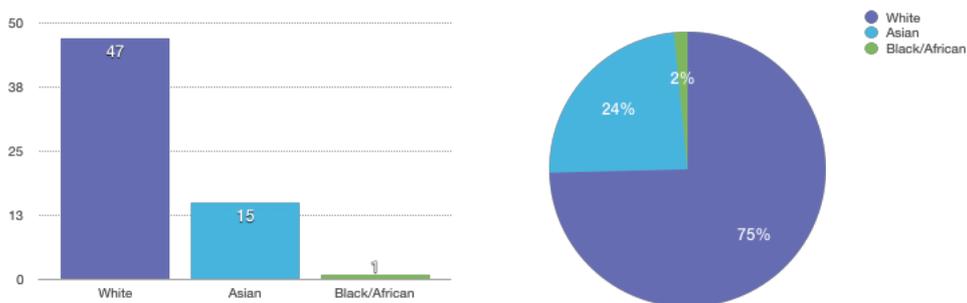
63% of SWFPO members' crew are of British nationality. 24% are Filipino, 8% are Latvian, 3% Polish and 2% Ghanaian.

### 32. Crew Religion



76% of SWFPO members' crew identify with the Christian faith. The remaining 24% stated that they had no religion.

### 33. Crew Ethnicity



75% of SWFPO members' crew identify as white, whilst 24% and 1% identify as Asian and Black/African respectively.

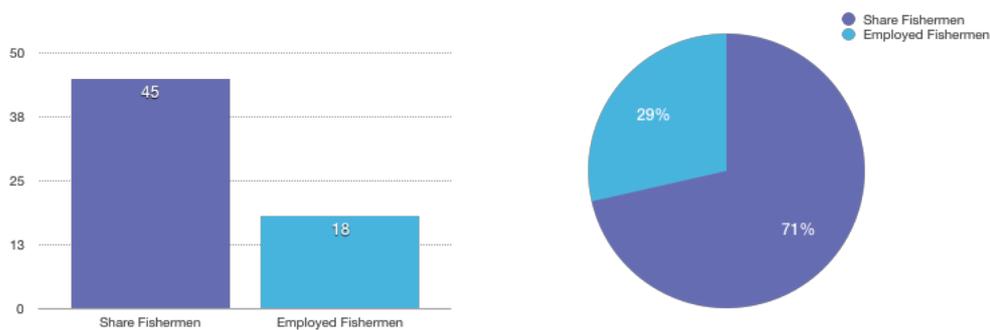
### 34. Place of Residence

65% of SWFPO members' crew reside in the UK. 24% reside in the Philippines, 6% reside in Latvia, 3% in Poland and 2% in Ghana. This percentage breakdown by and large reflects the breakdown of SWFPO members' crew according to nationality.

## Employment Information

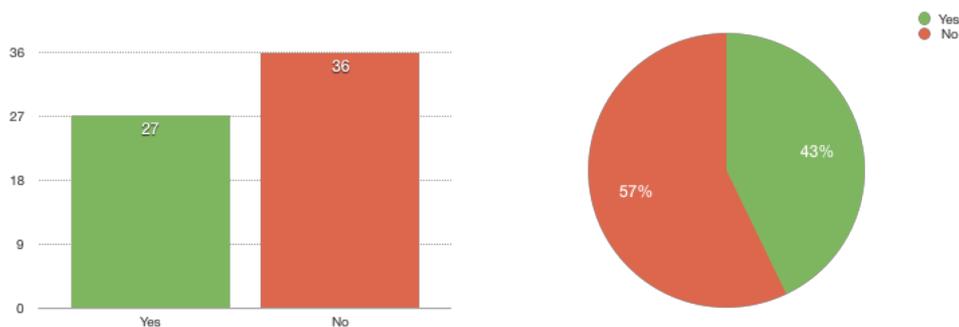
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### 35. Employment Status



71% of SWFPO members' crew are engaged on a share fishermen basis whilst 29% are engaged on an employed basis.

### 36. Work Agreements



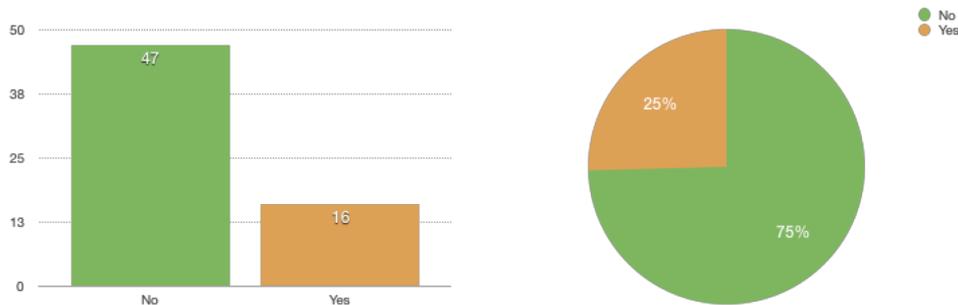
43% of SWFPO members' crew have work agreements in place with the vessel owner. This is the case for 100% of crew engaged on an employed basis and 20% of crew who are engaged on a share fishermen basis.

**57% of SWFPO members' crew, all of whom are engaged on a share fishermen basis, stated that they do not have work agreements in place with the vessel owner.**

Of the crew with work agreements in place between themselves and the vessel owners, 96% stated that the agreements were made available to them in a language they understood. **4% stated that they were not.**

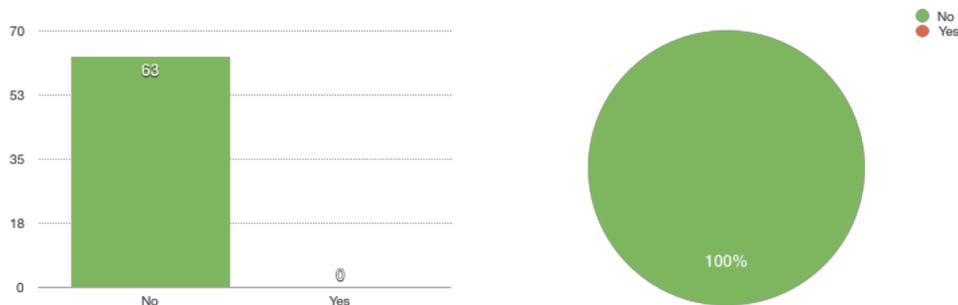
Of the crew with work agreements in place between themselves and the vessel owners, 96% stated that they were given sufficient time to read the terms and conditions of the agreements prior to signature. **4% stated that they were not.**

### 37. Employment/Crewing Agent



75% of SWFPO members' crew stated that they did not use the services of an employment/crewing agent to secure the opportunity of work in the UK. 25% stated that they did use such services. The crew using employment/crewing agents to facilitate the opportunity of work in the UK stated that they use the services of Poseidon International Maritime Services Inc (<https://poseidonintl.webs.com/thecompany.htm>) in the Philippines and Baltic Seaman Agency ([www.bsa-crewing.com](http://www.bsa-crewing.com)) in Latvia.

### 38. Payment for Opportunity of Work



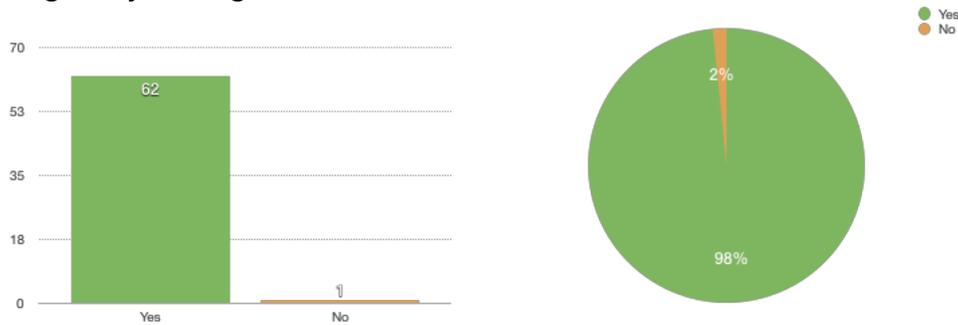
100% of SWFPO members' crew stated that they did not have to pay anyone or anybody for the opportunity of work in the UK fisheries on board SWFPO member vessels.

## Remuneration

### 39. Average Salary

70% of SWFPO members' crew stated that they earned over \$2000 per month. 24% stated that they earned between \$1500-\$2000, whilst 3% stated that they earned between \$1000-\$1500 and \$500-\$1000 per month respectively.

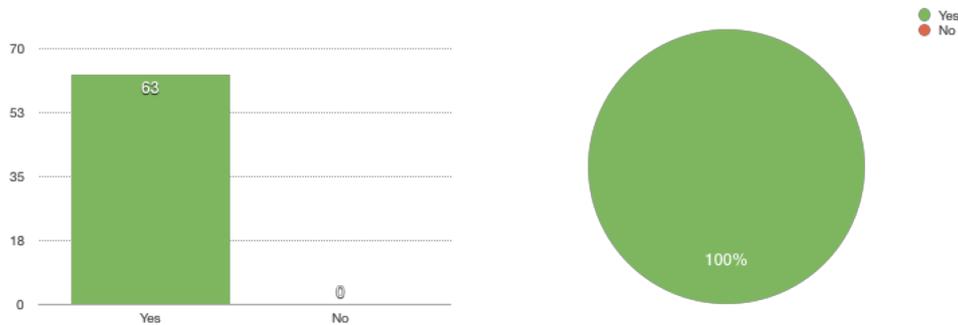
### 40. Regularity of Wages



98% of SWFPO members' crew stated that they received their wages on a regular basis. 2% stated that they did not.

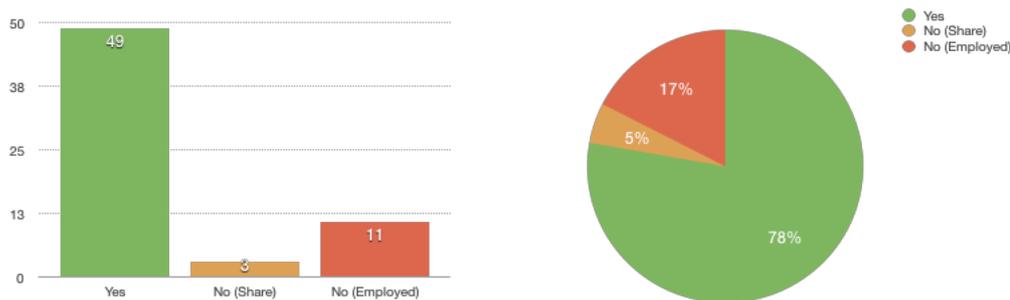
Of those receiving their wages on a regular basis, 76% do so on a weekly basis whilst 24% receive their regular wages on a monthly basis.

### 41. Paid Correct Wages



100% of SWFPO members' crew stated that they receive the correct wages i.e. the wages they expected to receive on either a weekly or monthly basis.

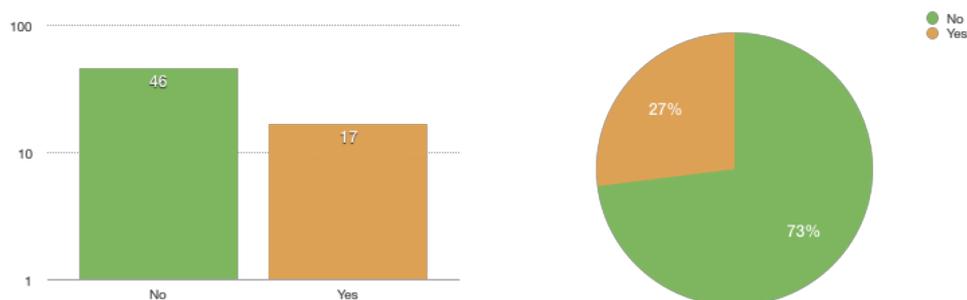
#### 42. Payslip/Settlement Sheet



78% of SWFPO members' crew receive either a payslip or, in the case of share fishermen, a copy of the settlement sheet. **22% of crew do not receive such evidence of earnings;** this is broken down by 5% share fishermen and 17% employed fishermen. **Of those crew who do not receive such evidence of earnings,** as a percentage 21% are share fishermen and **79% are employed fishermen.**

Of those crew who do receive a payslip or a copy of the settlement sheet, 94% stated that they do so on a weekly basis and 6% stated that they do so on a monthly basis.

#### 43. Transmit Money Overseas



27% of SWFPO members' crew transfer money overseas to their families. 65% of this cohort use an employment/crewing agent to facilitate this payment. The remaining 35% send money either by bank transfer or via a third party such as the international money transfer companies Western Union and MoneyGram.

**29% of those crew transferring money overseas to their families stated that they did so at a monetary cost to them personally.**

#### 44. Deductions

98% of SWFPO members' crew stated that they have never been deducted any wages by the vessel owner for any reason. **2% stated that they had been deducted wages.** **The deduction was made whilst engaged on board a SWFPO member vessel for damage caused to another fishing boat's gear.**

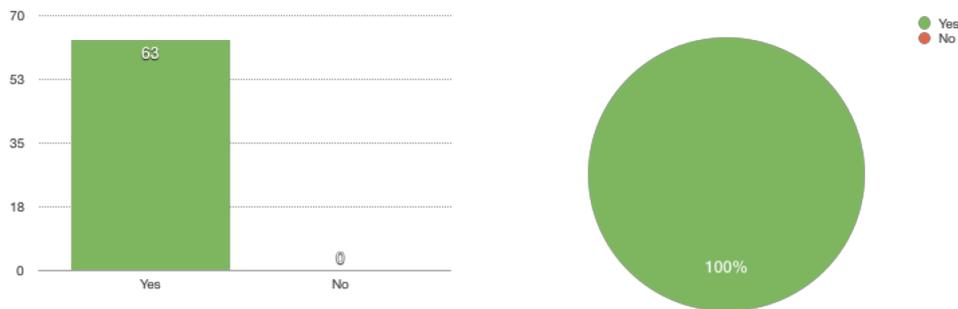
#### 45. Debt

98% of SWFPO members' crew stated that they were not in debt to anyone as a result of working in the UK fisheries on board SWFPO member vessels. **2% stated that they were in debt as a result of such work.** However, the debt related to a previous venture on board another boat and unrelated to any SWFPO member vessel.

### Voluntarism

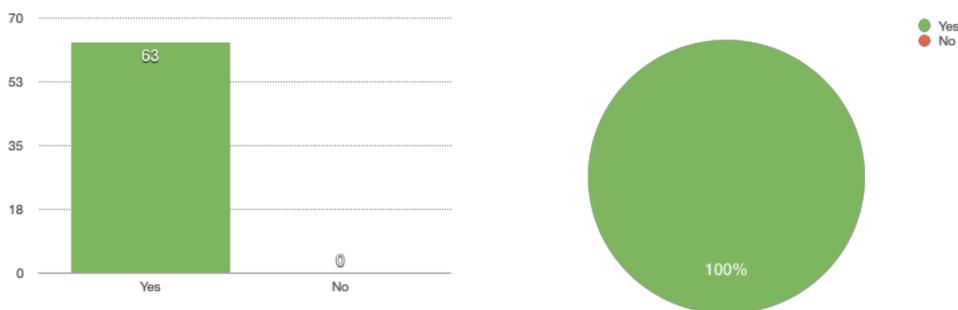
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#### 46. Personal Documents



100% of SWFPO members' crew stated that they were in possession of their personal documents (i.e. passports, ID cards, seaman's cards etc).

#### 47. Voluntarily Choice

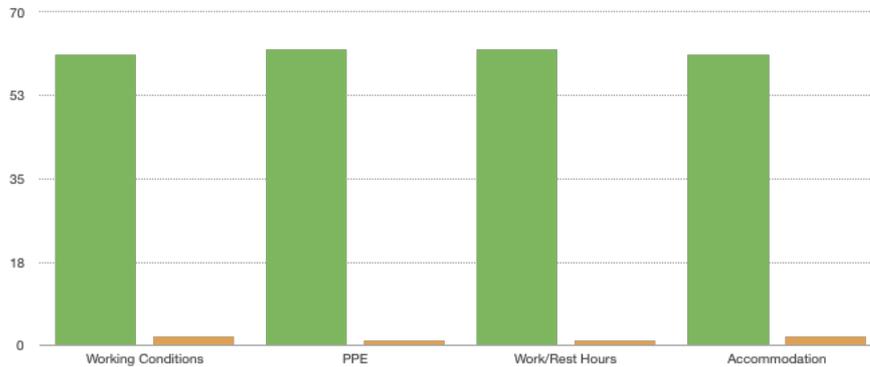


100% of SWFPO members' crew stated that they were in the UK and working on board SWFPO member vessels voluntarily (i.e. by their own volition).

#### 48. Work Expectation

100% of SWFPO members' crew stated that the work they carry out today is as they were led to believe it would be at the outset of their engagement with SWFPO members.

## Satisfaction Ratings

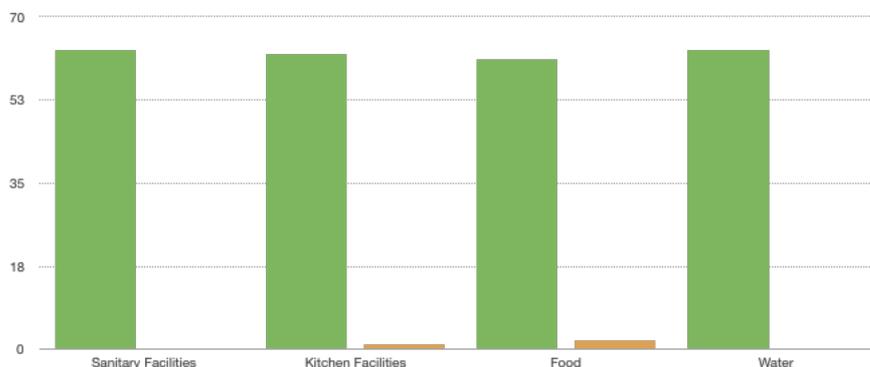


49. Working Conditions. 97% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to working conditions. 3% reported a satisfaction rating of between 5 and 7. In providing this response crew took account of aspects such as a safe working environment, cleanliness and functioning machinery.

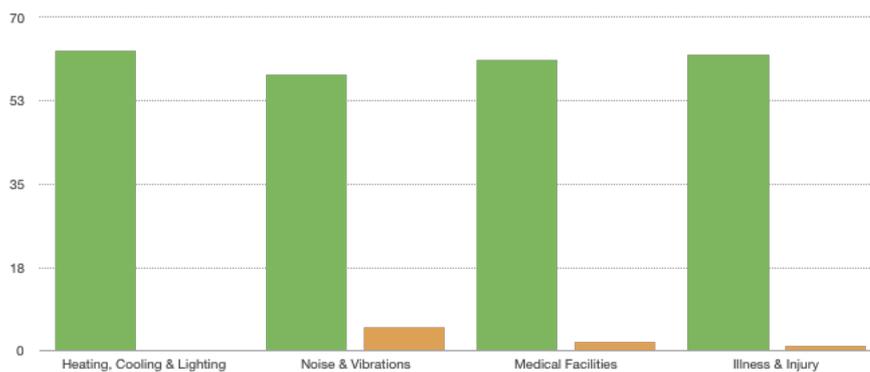
50. Personal Protective Equipment (PPE). 98% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to PPE. 2% reported a satisfaction rating of between 5 and 7. In providing this response crew took account of aspects such as suitability, availability and functionality of equipment.

51. Work/Rest Hours. 98% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to hours of work and rest. 2% reported a satisfaction rating of between 5 and 7. In providing this response crew took account of aspects such as length of shifts and a structured work pattern.

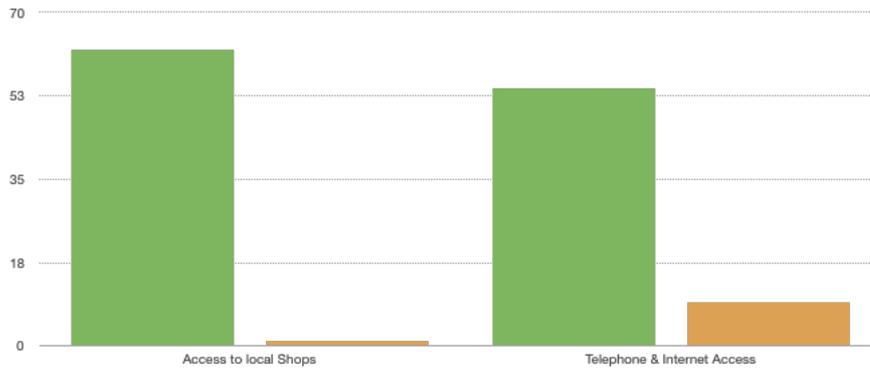
52. Accommodation. 97% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to on board accommodation. 3% reported a satisfaction rating of between 5 and 7. In providing this response crew took account of aspects such as cleanliness, spaciousness, warmth and dampness.



53. Sanitary Facilities. 100% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to on board sanitary facilities. In providing this response crew took account of aspects such as cleanliness and serviceability.
54. Kitchen Facilities. 98% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to on board kitchen facilities. 2% reported a satisfaction rating of between 5 and 7. In providing this response crew took account of aspects such as cleanliness and condition of appliances.
55. Food. 97% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to hours of work and rest. 3% reported a satisfaction rating of between 5 and 7. In providing this response crew took account of aspects such as the standard and freshness of food, and whether dietary requirements were catered for.
56. Water. 100% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to on board drinking water. In providing this response crew took account of whether or not it was clean and potable.

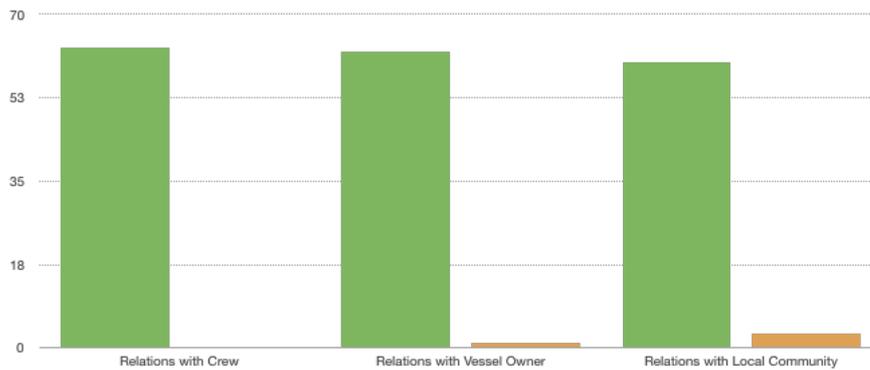


57. Heating, Cooling and Lighting. 100% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to on board heating, cooling and lighting.
58. Noise and Vibrations. 92% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to on board noise and vibrations. 8% reported a satisfaction rating of between 5 and 7.
59. Medical Facilities. 97% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to on board medical facilities. 3% reported a satisfaction rating of between 5 and 7.
60. Illness and Injury. 98% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to the provision of care in the event of illness or injury. 2% reported a satisfaction rating of between 5 and 7.



61. Access to Local Shops. 98% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to access to local shops. 2% reported a satisfaction rating of between 5 and 7.

62. Telephone and Internet Access. 86% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 in relation to telephone and internet access. 14% reported a satisfaction rating of between 5 and 7.



63. Relations with Crew. 100% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 vis-a-vis relations with fellow crew members. In providing this response crew took account of aspects such as the friendliness and professionalism of their colleagues.

64. Relations with Vessel Owner. 98% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 vis-a-vis relations with the principal/vessel owner. 2% reported a satisfaction rating of between 5 and 7. In providing this response crew took account of aspects such as the friendliness and professionalism of the principals/vessel owners.

65. Relations with Local Community. 95% of SWFPO members' crew reported a satisfaction rating of between 8 and 10 vis-a-vis relations with members of the local community. 5% reported a satisfaction rating of between 5 and 7.

## General Comments

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66. Crew stated that there was good engagement between the company and themselves with respect to certain safety-related research and development and the introduction of PPE. It was felt that vast improvements in terms of company practice had taken place over the past three to four years. Some crew stated that they work in a nice and safe environment with a good team of colleagues.
67. Others stated that the food was good and that particular dietary requirements were catered for.
68. Extra internet provision was made for crewmembers in some cases in order to facilitate correspondence with family overseas.
69. In some cases, crew stated that the company for which they worked was good and that they had never experienced any problems.
70. Other comments from crew included reference to how they really like working in the UK fisheries, how they enjoy their job, and how everyone is treated fairly and equally, regardless of nationality. Some crew also stated that they were happy in their work and working for the particular company they are engaged with.
71. **One crewmember stated that he was engaged on board in the capacity of a share fisherman but that he was set-up to conduct his business as a UK registered limited company. However, in both cases there was no written agreement between him as a share fisherman or effectively him as a limited company with the vessel owner.**

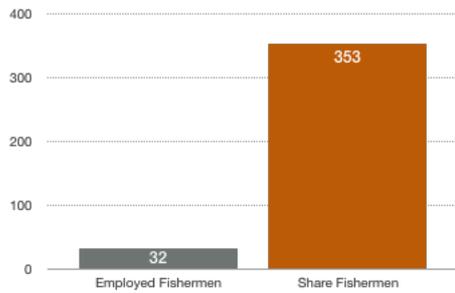
## Vessel Owners

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### General Information

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72. Number of Vessels. Of the vessel owners interviewed SWFPO members operate 68 vessels over 10 m long.
73. Number of Crew. Of the Vessel owners interviewed SWFPO members engage 32 crew on an employed basis and engage 353 crew on a share fisherman basis.



74. Average Crew On Board. On average, SWFPO members operate with a crew of 4 fishermen per vessel on their over 10 m long vessels. Across the SWFPO fleet, this ranges between 2 and 8 crew members per vessel.

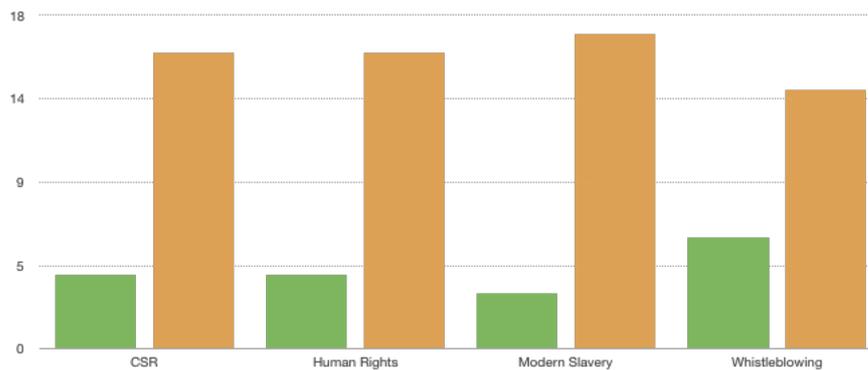
## Compliance and Regulation

75. Corporate Social Responsibility (CSR). 20% of SWFPO members have a written CSR policy in place.

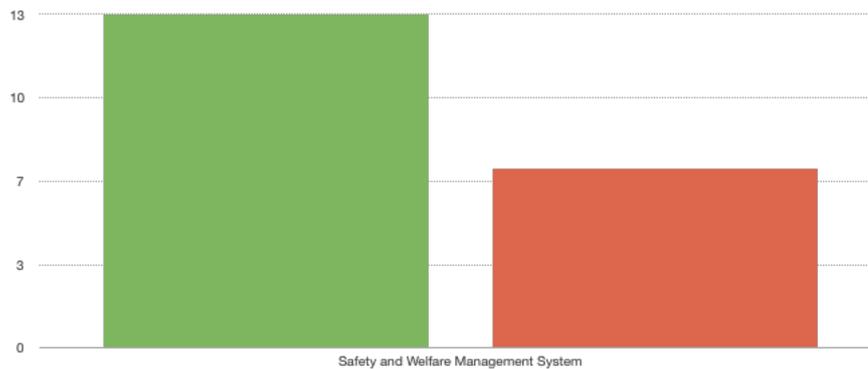
76. Human Rights Policy. 20% of SWFPO members have a written Human Rights policy in place.

77. Modern Slavery Policy. 15% of SWFPO members have a written Modern Slavery policy in place.

78. Whistleblowing Policy. 30% of SWFPO members have a written Whistleblowing/ Grievance policy in place.



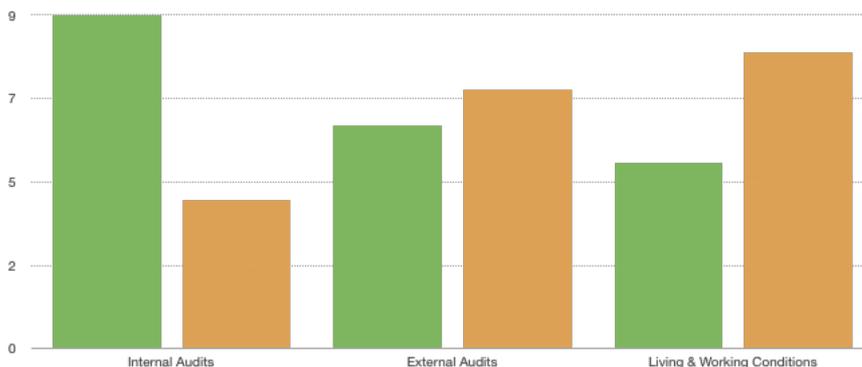
79. Safety and Welfare Management System (SWMS). 65% of SWFPO members have a documented SWMS in place. 45% of SWFPO members do not.



80. Internal Audit. Of those SWFPO members who do have a SWMS in place, 69% profess to conduct internal audits of their system.

81. External Audits. Of those SWFPO members who do have a SWMS in place 46% profess to commission external (i.e. third party) audits of their system.

82. Living and Working Conditions. 62% of SWFPO members who do have a SWMS in place state that their system accounts for living and working conditions on board their vessels.



83. ILO C188. 50% of SWFPO members profess to be aware of ILO C188.

Of those members aware of ILO C188, 80% profess to be aware of the impending effects the Convention will have on their business.

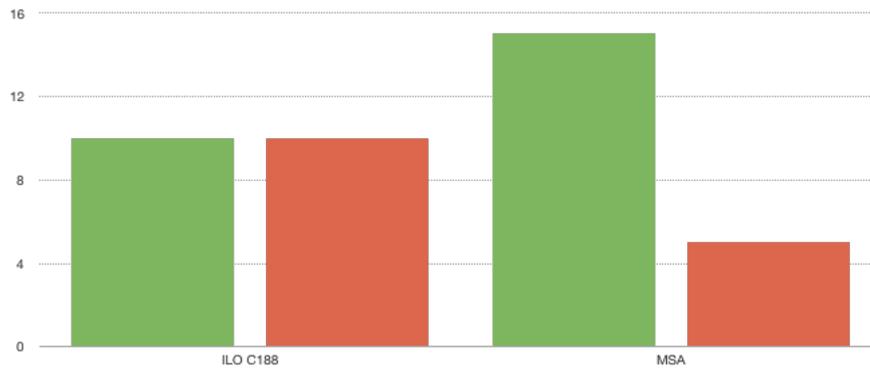
70% of those members who are aware of ILO C188 state that they have specific concerns relating to the Convention. These concerns, among others, relate to the added bureaucracy compliance with ILO C188 will necessarily entail; the engagement terms of share fishermen and the potential erosion of their status; the medical fitness standards and the exclusionary effect these will have on many in the industry; the minimum working and rest hours requirements; and, the complexity ILO C188 presents for smaller vessel owners. The analogy of using a 'sledgehammer to crack a walnut' was used in relation to the perceived disproportionality of some of the Convention's provisions.

84. MSA. 75% of SWFPO members profess to be aware of the Modern Slavery Act 2015.

64% of those aware of this piece of legislation state that they are aware of the potential effects of the Act on their business.

According to some respondents, the MSA has, among others, caused members to scrutinise their suppliers more intensively, review on board working conditions, and to review how crew are generally treated in the workplace.

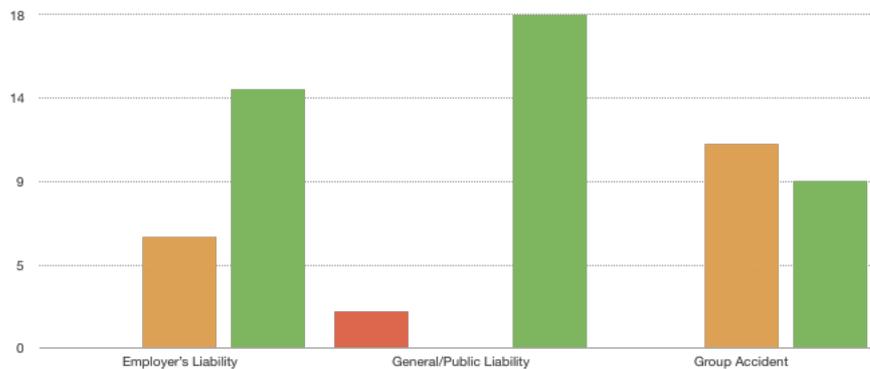
Some respondents stated that the knock-on effect of the obligations of the MSA were too burdensome for some of the smaller vessel owners.



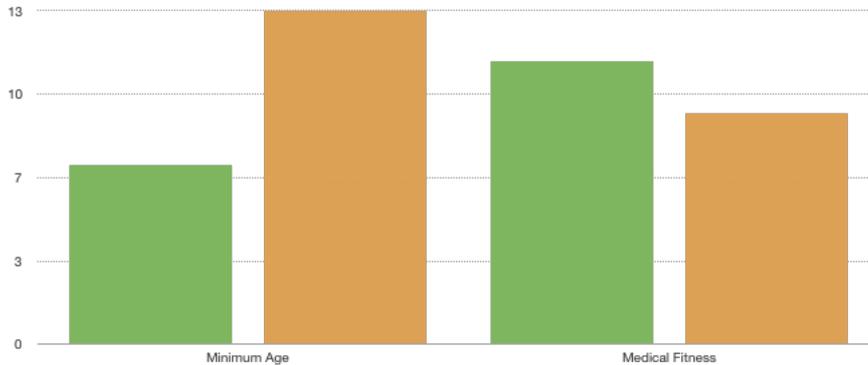
85. Employer’s Liability. 70% of SWFPO members state that they have Employer's Liability insurance in place. The limit of cover for this policy ranges from £2m to £10m across the membership.

86. General/Public Liability. 90% of SWFPO members state that they have Public/General Liability insurance in place. The limit of cover for this policy ranges from £3m to £10m across the membership.

87. Group Accident. 45% of SWFPO members state that they have personal or group accident insurance in place for their crew. The limit of cover for this policy ranges from £2m to £5m across the membership.

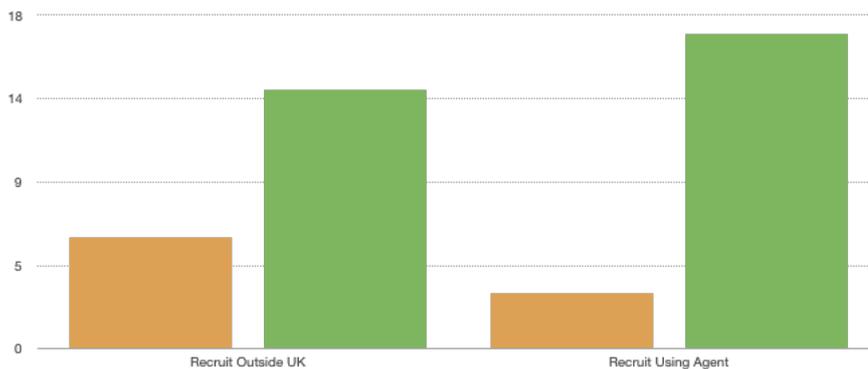


88. Minimum Age. 35% of SWFPO members have a policy on crew minimum age and procedures to implement this policy.
89. Medical Fitness. 55% of SWFPO members have a policy on crew medical fitness criteria and procedures to implement this policy.



## Recruitment, Work Agreements and Pay

90. Recruit Outside the UK. 30% of SWFPO members recruit from outside the UK. These countries include the Philippines, Ghana, Latvia, Estonia, Slovakia, Poland and Spain.
91. Recruit through an Agent. 15% of SWFPO members utilise the services of employment/crewing agents. These agents include Poseidon International Maritime Services Inc ([www.poseidonintl.webs.com](http://www.poseidonintl.webs.com)) in the Philippines, **4 Stars Marine and Crewing** ([www.fourstarsmarine.com](http://www.fourstarsmarine.com)) in Ghana, Baltic Seaman Agency ([www.bsa-crewing.com](http://www.bsa-crewing.com)) and JS Hamilton Management Company ([www.jshmanco.com](http://www.jshmanco.com)) for Eastern European crew.



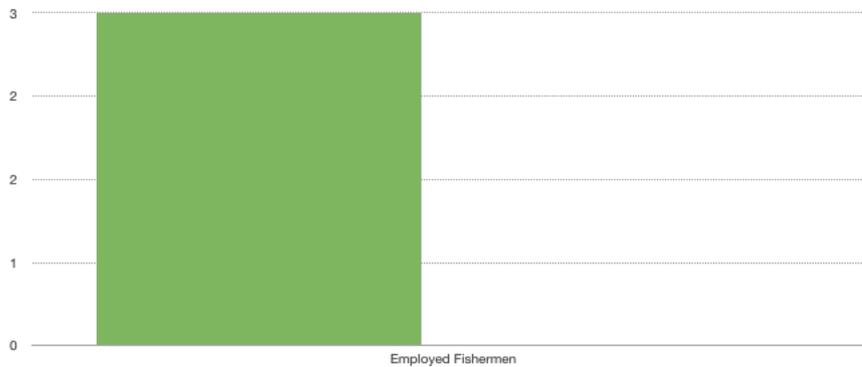
92. Agent Audits. 67% of members recruiting crew from outside the UK conduct audits on their suppliers.

Of those members conducting audits of their suppliers, 100% conduct remote only audits.

100% of members utilising the services of employment/crewing agents ensure that all contractual agreements between themselves and the agent are in compliance with UK law.

100% of members utilising the services of employment/crewing agents ensure that all contractual agreements between the agent and the employed fisherman are in compliance with UK law. Members variously state that they ensure such compliance with UK law through their human resources departments, safety and welfare management systems, monitoring of industry best management practice, and through the medium of legal advice.

### 93. Employed Fishermen and Work Agreements

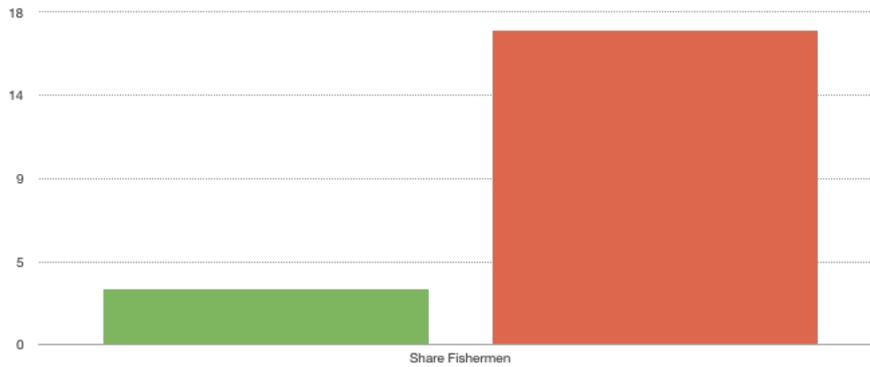


100% of members employing crew have work agreements in place with their employed fishermen.

67% state that these work agreements are made available to employed fishermen in a language which they understand. 33% of members were unsure whether or not such agreements met this criterion.

100% of members employing crew and using work agreements state that such agreements include repatriation terms, terms relating to sickness and injury, terms which define hours of work and rest and terms which define payment and remuneration.

94. Share Fishermen and Work Agreements



15% of SWFPO members state that they have work agreements in place for their share fishermen. 85% of members do not.

Of those members with work agreements in place with their share fishermen, 100% of members state that the agreements are provided in a language which the fishermen understand.

33% of members state that the agreements include repatriation terms. 67% do not.

100% of members state that these agreements do not define hours of work and rest.

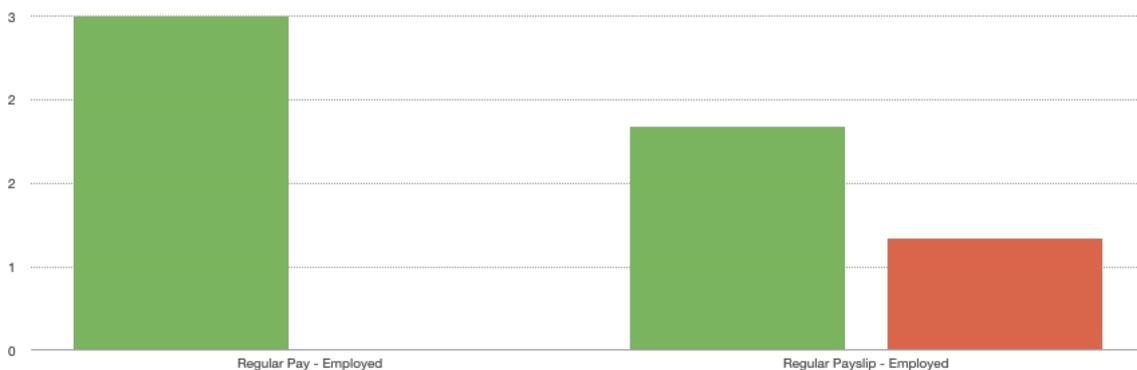
100% of members state that these agreements define payment terms.

33% of members state that these agreements require share fishermen to provide their own personal protective equipment. 67% do not.

100% of members state that these agreements do not require share fishermen to have personal accident insurance in place.

100% of members state that these agreements do not give share fishermen a right of substitution.

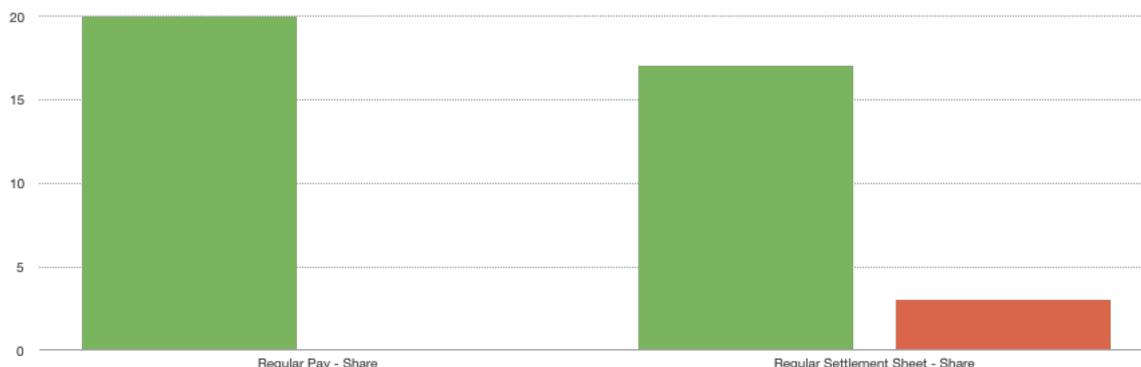
95. Regular Pay and Payslips – Employed Fishermen



Of those members employing crew, 100% state that they pay their employed crew on a regular weekly or monthly basis.

67% of members employing crew state that they provide their crew with regular weekly or monthly payslips. **33% of members do not provide employed crew with a payslip.**

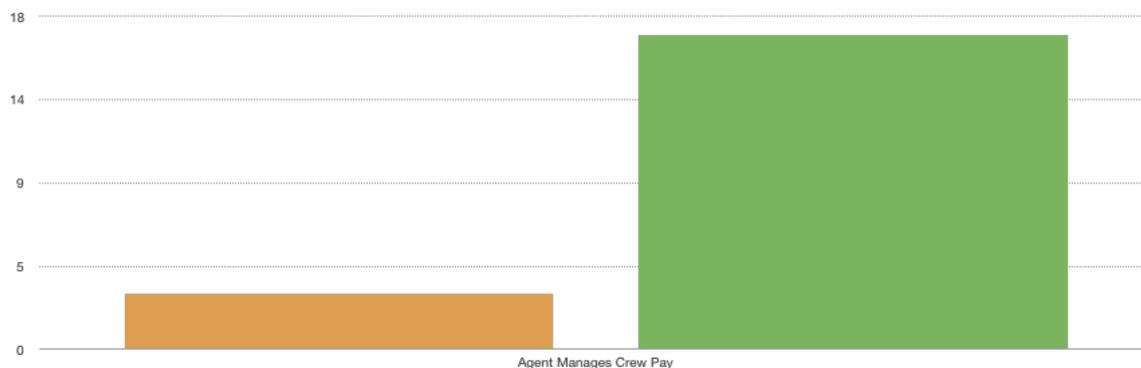
#### 96. Regular Pay and Payslips – Share Fishermen



100% of members state that they pay their share fishermen on either a regular weekly or monthly basis.

85% of members state that they provide their share fishermen with regular weekly or monthly copies of the settlement sheet.

#### 97. Crew Pay - Employment/Crewing Agent

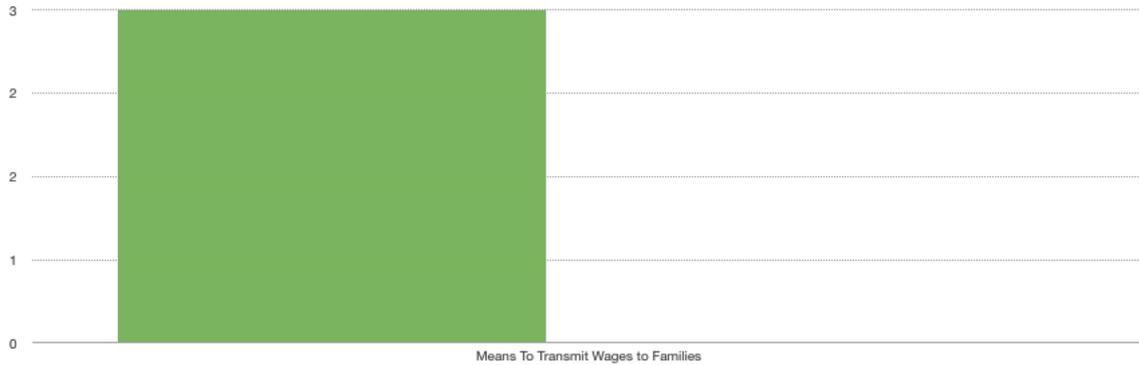


33% of members use the services of an employment or crewing agent to manage the payment of their crew.

100% of members utilising the services of employment or crewing agents to facilitate the payment of their crew state that such agents pay their crew on a regular weekly or monthly basis.

67% of members ask to see evidence of such payment. **33% of members do not ask for such evidence.**

98. Transmit Money Overseas

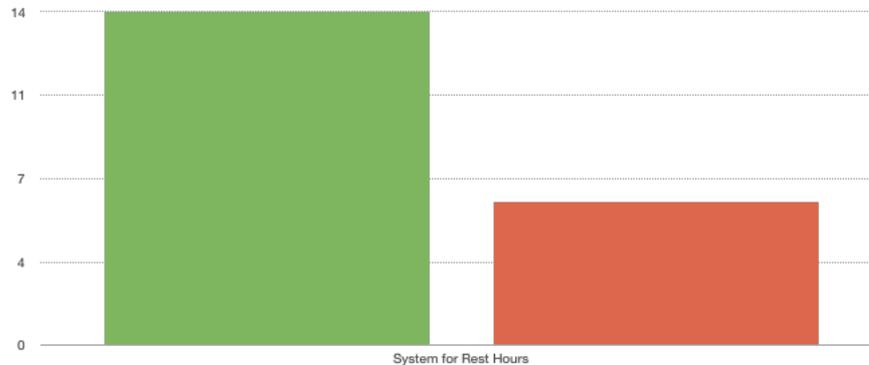


100% of members engaging the services of fishermen from outside the UK state that crew are given a means to transmit all or part of their payment received, including advances, to their families at no cost to themselves.

Work Hours, Food and Drink, and Accommodation

99. Work Hours. On average, the fishermen working on board SWFPO member vessels work 11 hours in a twenty-four-hour period. This ranges between 5 and 16 hours.

100. Minimum Hours of Rest



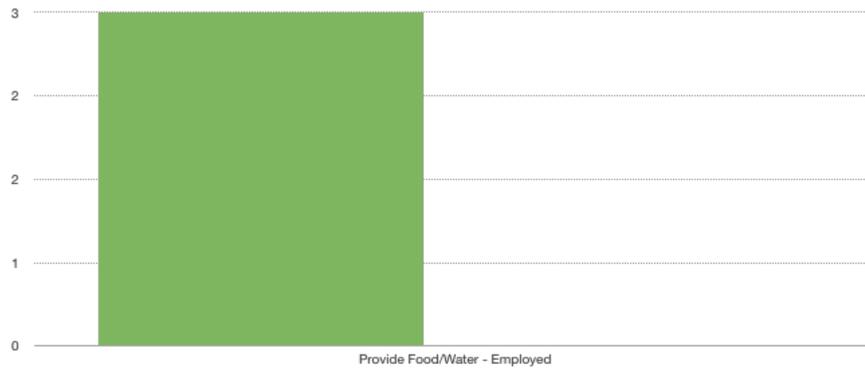
70% of members profess to have a system to ensure minimum hours of rest are complied with.

29% of members have a documented system in place to manage minimum rest hours.

15% of members who have a documented system to manage rest hours state that the system entails the recording of individual rest hours.

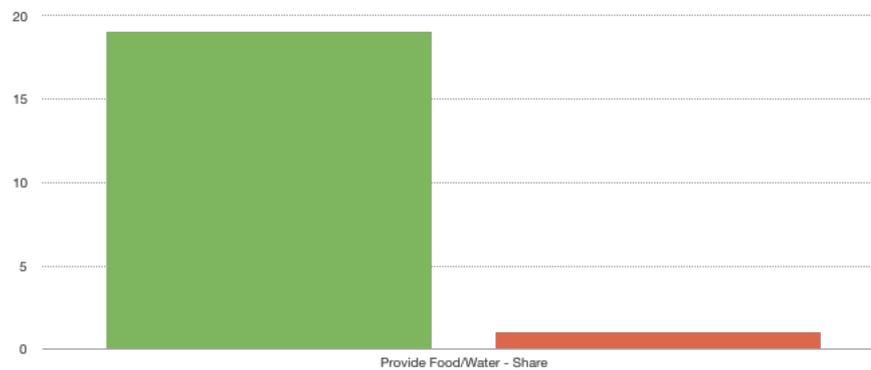
101. Provision of Food/Water – Employed Fishermen





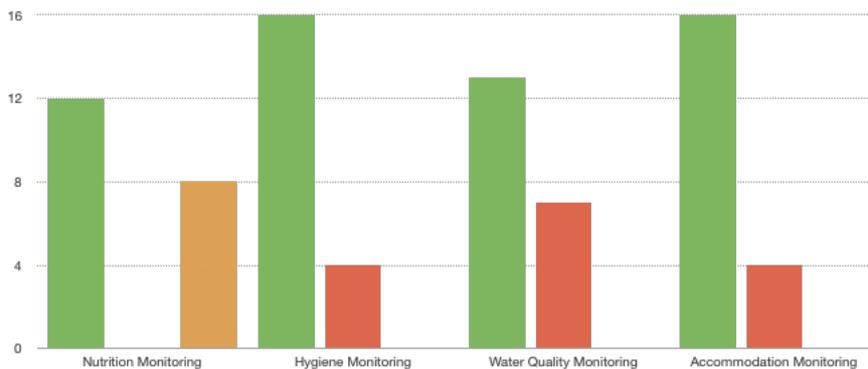
100% of members employing crew provide their employed fishermen with food and water when working on board. All food and water in this case is provided free of charge.

102. Provision of Food/Water – Share Fishermen



95% of members provide their share fishermen with food and water when working on board. 35% of members require their share fisherman to either pay for this or contribute to the cost on a share basis.

103. Food, Hygiene, Water and Accommodation



Food Nutrition. 60% of members state that the food they provide is of sufficient nutritional quality. 40% of members are unsure. Systems in place to ensure that food is of sufficient nutritional quality include oversight and purchasing control by onshore fleet

management team and self-monitoring systems according to individual crew dietary requirements.

In one instance, the respondent stated that the skipper was responsible for determining what constitutes 'nutritional' food or not.

Catering Hygiene. 80% of members state they have a system in place to ensure catering facilities and storerooms are hygienic and fit for purpose. But only 19% of members with such a system in place profess to document this system.

Water Quality. 65% of members state that they have a system in place to ensure drinking water quality is monitored. Only 15% of members with such a system profess to document this system.

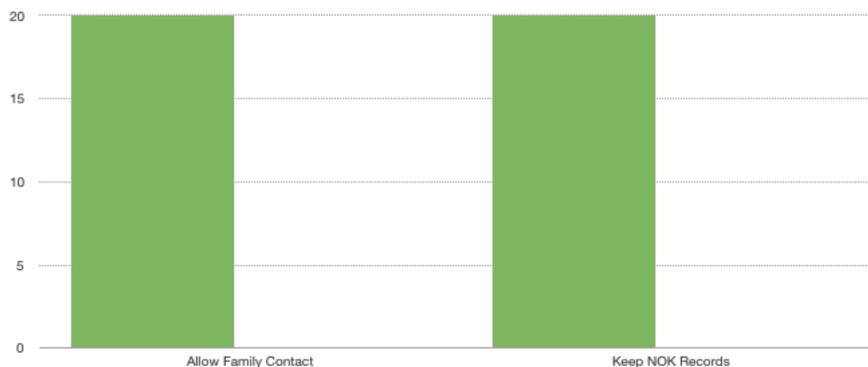
Accommodation Quality. 80% of members state that they have systems in place to ensure that the accommodation on board is clean, serviceable and habitable. 25% of members with such systems in place profess to document this.

## Other Welfare Matters

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104. Family Correspondence. 100% of members state that crew are given a means to contact family whilst living and working on board. 95% of members profess to provide this means on an 'unlimited' basis whilst 5% provide it on a 'controlled' basis.

105. Next of Kin



100% of members retain the next of kin details of their fishermen in the event of sickness, injury or death to crew.

## Highlighted Concerns

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### Crew

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106. **Work Agreements.** 57% of SWFPO members' crew, all of whom are engaged on a share fisherman basis, stated that they do not have work agreements in place with the vessel owner. Work Agreements, for both employed and share fishermen, are a staple requirement under Articles 16 - 20 of ILO C188. The vessel owner is responsible for ensuring that all engaged fishermen have the protection of a written fishermen's work agreement provided to them in a comprehensible form. The fishermen's work agreement is to be signed by both the fishermen and the vessel owner (or and authorised representatives thereof) and copies should be given to the fisherman and kept on board the vessel for inspection by the relevant authorities, in accordance with national law and practice.

As a minimum, work agreements must contain certain key provisions as set out in the relevant Appendix to the Convention's present Guidelines, and members should look to forthcoming NFFO model work agreements shortly to be published.

107. **Monthly Salary.** 6% of respondents earn between \$500 – 1500 per month. The legal position on providing non-EEA employed crew the National Living Wage is not clear. Due to this lack of clarity there is a risk that members may inadvertently be in breach of employment law.

108. **Payslips.** 22% of crew do not receive a payslip or copy of their settlement sheet. Of those not receiving a copy of their payslip, 79% are employed fishermen. In the UK, by law, employees should be provided with a weekly or monthly payslip. This may be provided in paper or electronic format. Further, where payment disputes between the fisherman and the vessel owner may arise, copies of payslips and/or settlement sheets will be sought by any investigating party. As such, it is considered good business practice to ensure all fishermen, employed and share, are provided with evidence of earnings.

109. **Transmission of money overseas.** Four respondents stated that they pay for the services of an international money transfer company to facilitate the transmission of funds to family members overseas. One respondent stated that they paid their bank to transfer such funds. Articles 23 and 24 of ILO C188 deal specifically with payment of fishermen. ILO C188 stipulates that fishermen must be given a means to transmit all or part of their payments received, including advances, to their families at no cost to themselves.

110. **Deduction of wages.** In one instance, a respondent stated that he had been deducted wages for unintentionally inflicting damage upon another vessel's fishing gear. Vessel owners should have public or general liability insurance policies in place to mitigate any financial losses arising from acts of crew negligence. Furthermore, vessel owners should have written agreements in place with their fishermen setting out the

terms of engagement and the rights and responsibilities of each party in such circumstances. The agreement should therefore specify whether any compensation for damage caused to another vessel is payable by the fisherman.

## Vessel Owners

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111. **Corporate Social Responsibility**. 80% of vessel owners do not have a CSR Policy in place. Although a majority of SWFPO members may not consider themselves in corporate terms and therefore not consider themselves to carry the same obligations as other businesses, from the outside they are very much perceived in this way. The drafting of a CSR policy is effectively a statement of intent outlining the company's commitment to certain practices.
112. **Human Rights**. 80% of vessel owners do not have a Human Rights Policy in place. Although a majority of SWFPO members may not consider themselves in corporate terms and therefore not consider themselves to carry the same obligations as other businesses, from the outside they are very much perceived in this way. The drafting of a Human Rights policy is effectively a statement of intent outlining the company's commitment to such protections.
113. **Modern Slavery**. 85% of vessel owners do not have a Modern Slavery Policy in place. Although a majority of SWFPO members may not consider themselves in corporate terms and therefore not consider themselves to carry the same obligations as other businesses, from the outside they are very much perceived in this way. The drafting of a Modern Slavery policy is effectively a statement of intent outlining the company's commitment to ensuring its supply chain is free from such practice.
114. **Whistleblowing/Grievance**. 70% of vessel owners do not have a Whistleblowing/Grievance Policy in place. Although a majority of SWFPO members may not consider themselves in corporate terms and therefore not consider themselves to carry the same obligations as other businesses, from the outside they are very much perceived in this way. The drafting of a Whistleblowing/Grievance policy is effectively a statement of intent demonstrating the company's commitment to protecting its fishermen in the workplace.
115. **Safety and Welfare Management System**. 45% of vessel owners do not have a SWMS in place. Of those who do operate such a system, 31% do not conduct internal audits of the system, 54% do not conduct external audits of the system, and 38% of the systems do not account for on board living and working conditions. With implementation of ILO C188 into UK law looming, all vessel owners should have in place a documented system to evidence the responsible management of safety and welfare matters within their business, specifically accounting for living and working conditions on board. Internal and external audits are considered best management practice.

116. **ILO C188**. 50% of vessel owners are not aware of the industry specific international convention and the impending UK legislation giving effect to this Convention. Given the centrality of ILO C188 to the future of fishermen's welfare, all vessel owners should apprise themselves of the key principles of the Convention and likely implications of the Convention on their business.
117. **Modern Slavery Act**. 25% of vessel owners are not aware of this seminal piece of UK legislation. Even if vessel owners are not caught by Section 54 of the 2015 Act, namely transparency in the supply chains and the £36m threshold, they should be mindful of where they sit in some of their customer's supply chain considerations. Understanding their role within the supply chain and scrutinising their upstream suppliers in terms of goods, services, and labour, could assist their downstream customers and improve the vessel owner's commercial situation.
118. **Employer's Liability Insurance**. 30% of vessel owners do not hold Employer's Liability Insurance. It is a legal requirement for any business employing one or more people. It is also a means for vessel owners to discharge their duties with respect to share fishermen in the event of a compensation claim being made against them.
119. **General/Public Liability Insurance**. 10% of vessel owners do not have General/Public Liability Insurance cover in place. Public liability insurance may cover a vessel owner's business against compensation claims and legal costs if a third party suffers injury or property damage as a consequence of the company's direct or indirect acts or omissions.
120. **Group or Personal Accident Insurance**. 55% of vessel owners do not have Group or Personal Accident Insurance cover in place for their fishermen. Consideration should be paid to such a policy in the event that other policies i.e. Employer's Liability Insurance, may not cover certain circumstances. Articles 38 and 39 of ILO C188 specifically address the protection of fishermen in the event of work-related sickness, injury or death. It will be the responsibility of vessel owners to ensure fishermen are afforded such protections whilst engaged and working on board their vessels.
121. **Crew Minimum Age**. 65% of vessel owners do not have a policy on crew minimum age, written or otherwise. Article 9 of ILO C188 addresses the subject of minimum age. It states that the minimum age for work on board a fishing vessel shall be 16 save for exceptional cases and in accordance with relevant national law, where the minimum age may be reduced to 15. However, certain assignments where the 'health, safety or morals of young persons' may be threatened shall require that the minimum age be not less than 18.
122. **Medical Fitness**. 45% of vessel owners do not have a policy on the required medical fitness of fishermen to work on board their vessels. Articles 10 – 12 of ILO C188 stipulates that no fisherman will work on board without a valid medical certificate attesting to the fitness of the fisherman to perform his or her duties. Medical examinations are therefore a fundamental requirement and vessel owners should devise policies to meet the minimum standards of medical fitness, in accordance with national law.

123. **Employment/Crewing Agents.** During the course of the audit, it was brought to the attention of the auditor on good authority by one of SWFPO's members that **4 Stars Marine and Crewing (www.fourstarsmarine.com) based in Ghana represents a significant risk to members with respect to the services the company offers and supply chain management. No further corroborating evidence is available at this present time, but a full and independent audit of the said crewing agent is recommended prior to any member engaging its services further.**
124. **Employment/Crewing Agent Audits.** Of those members engaging the services of employment/crewing agents, 33% of vessel owners do not conduct audits on their suppliers. Of the 67% that do, 100% of vessel owners conduct remote audits only. No in person audits are conducted. Although a remote audit offers certain assurances, there is no substitution to engaging face-to-face with employment/crewing agents in order to ascertain first-hand their credentials. Employment/crewing agents represent an unknown quantity and carry the greatest degree of risk insofar as UK fishing vessel owners sourcing labour from overseas are concerned.
125. **Work Agreements: Employed Fishermen.** 33% of vessel owners are unsure whether or not the work agreements they have in place with employed fishermen are made available to them in a language that they understand. As stated above, Work Agreements are a staple requirement under Articles 16 - 20 of ILO C188 and they must be provided in a 'comprehensible form'.
126. **Work Agreements: Share Fishermen.** 85% of vessel owners state that they do not have work agreements in place with their share fishermen. As previously stated, Work Agreements, for both employed and share fishermen, are a requirement under Articles 16 - 20 of ILO C188.

Further, of those vessel owners with work agreements in place with their share fishermen, 67% of the agreements do not include repatriation terms. Repatriation is specifically addressed under Article 21 of ILO C188. Although vessel owners may consider 'repatriation' clauses to relate more to their non-UK fishermen, in actual fact repatriation is applicable to all fishermen, regardless of nationality or the capacity in which they are engaged. Costs may be recovered by any defaulting vessel owner in the event that repatriation is not provided for.

Also, in terms of employee/independent contractor concerns that some vessel owners have raised, 67% of agreements in place do not require share fishermen to provide their own PPE, and 100% do not require share fishermen to have personal accident insurance cover in place or confer a right of substitution on the share fishermen. Under UK law the lines are often blurred between independent contractor and employee and certain measures should be taken as a matter of course to distinguish between the two types of fishermen.

127. **Pay/Payslips: Employed Fishermen.** 33% of vessel owners do not provide employed crew with a payslip. Under UK law it is a legal requirement under Section 8 of the Employment Rights Act 1996 for employers to provide employees with a written itemised pay statement. Payslips should detail as a minimum the employee's earnings before and after any deductions and the amount of any deductions that may change each time they are paid, for example in relation to income tax and National Insurance.
128. **Pay/Payslips: Share Fishermen.** 15% of vessel owners do not provide share fishermen with a copy of the settlement sheet. Although as independent contractors, share fishermen are not legally entitled to receive a written itemised pay statement in the same way that employees are entitled, it is an industry custom that share fishermen have at least sight of the settlement sheet in order to satisfy themselves of the sale price of the landed catch.
129. **Crew Pay: Employment/Crewing Agent.** 33% of vessel owners using the services of employment/crewing agents to manage the payment of employed crew do not ask to see evidence of such payments. Anecdotally, there have been instances where employment/crewing agents acting on behalf of vessel owners in relation payment of employed crew have fraudulently fixed the exchange rate at which monies are transmitted to their advantage. Only through greater scrutiny of monies paid by vessel owners and monies received by employed fishermen can one be certain that no foul practice can occur.
130. **Transmission of money overseas.** As stated above, Articles 23 and 24 of ILO C188 confer a right on fishermen to be given a means to transmit all or part of their payments received, including advances, to their families at no cost to themselves. Vessel owners should be mindful of those fishermen whose families rely on international money transfers and ensure that they are not paying for such services, either through their banks, employment/crewing agents, or private money transfer companies such as MoneyGram or Wester Union.
131. **Hours of rest.** 30% of vessel owners do not have a system in place to manage the hours of rest crew have whilst working on board. Of those vessel owners who do have such a system in place, 71% do not have this system documented. Further, 85% of vessel owners with a documented system state that the system does not account for the recording of individual rest hours.

Hours of rest are covered by Articles 13 and 14 of ILO C188. Fishermen should be given regular periods of rest of sufficient length to ensure safety and health in the workplace. Where vessels are at sea for more than three days, additional responsibilities are placed on vessel owners to ensure that fishermen are provided with the minimum hours of rest, as established by the relevant competent authority. Unless the competent authority dictates otherwise, minimum hours of rest shall not be less than ten hours in any given 24-hour period and not less than 77 hours in any seven-day period.

132. **Food nutrition.** 40% of vessel owners are unsure of the nutritional quality of the food being provided on board their vessels. In some cases, vessel owners are not in control of the ordering process. Article 27 of ILO C188 states that the food carried on board shall be of sufficient nutritional value, quality and quantity. More robust systems should therefore be in place to ensure compliance with this provision. It is not sufficient for vessel owners to simply leave this matter to the skipper as was stated in one instance. Some oversight of the system must be had by the vessel owner.
133. **Water quality.** 35% of vessel owners do not have a system to ensure the water quality on board their vessels. Of those vessel owners who do have such a system, 85% do not document this. Article 27 of ILO C188 states that potable water shall be of sufficient quality and quantity. A documented system for managing this requirement would help to ensure water quality levels are met.
134. **Catering hygiene.** 20% of vessel owners do not have a system in place to monitor catering hygiene. Of those vessel owners who do have such a system in place, 81% do not document this system. Articles 31 – 33 of ILO C188 address occupational safety and health and accident prevention, including risk prevention. Measures should therefore be taken by vessel owners to reduce occupational disease. Through good catering hygiene the spread of common contagions is discouraged.
135. **Accommodation quality.** 20% of vessel owners do not have a system in place to monitor the quality of accommodation. Of those vessel owners who do have such a system in place, 75% do not document this system. Articles 25, 26 and 28 of ILO C188 address the requirements concerning accommodation. These provisions are applicable to all vessels, including existing vessels.

Among others, consideration should be given to the maintenance of accommodation; ventilation, heating, cooling and lighting; noise and vibration; sanitary facilities; and, recreational facilities.

## Analysis of Data in relation to Human Rights Key Performance Indicators (KPI)

136. The audit findings have been measured against key legislation and established international legal protections. Some of the findings have given rise to further enquiry, namely in relation to ILO C188 compliance and potential risks vis-à-vis modern slavery and transparency in the supply chain. However, the following key performance indicators (KPIs) relate specifically to internationally recognised human rights protections. The KPIs are steered by the United Nations Guiding Principles on Business and Human Rights and specifically consider provisions found in the Universal Declaration of Human Rights (UDHR), the European Convention on Human Rights and Fundamental Freedoms (ECHR), and the Modern Slavery Act 2015 (MSA).

137. Other international human rights instruments exist and provide further protections, for instance the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR). However, in assessing whether the audit findings expose any potential breach of fundamental human rights, the following KPIs are used:

HUMAN RIGHTS	UDHR	ECHR	MSA
Right to Life	Art. 3	Art. 2	-
Prohibition of Slavery, Servitude and Forced Labour	Art. 4	Art. 4	S. 1
Freedom from Torture, Inhuman or Degrading Treatment or Punishment	Art. 5	Art. 3	-
Human Trafficking	-	-	S. 2
Right to Respect for Private and Family Life	Art. 12 & Art. 23(3)	Art. 8	-

### Right to Life

138. **No evidence of a breach of the fundamental Right to Life was found during the course of this audit.** Fishermen indicated a very high degree of satisfaction with respect to working conditions, Personal Protective Equipment, working and rest hours, on board medical facilities, and the provision of care in the event of illness or injury.

139. **Vessel owners indicated a strong commitment to providing a safe working environment for fishermen through their Safety and Welfare Management Systems (SWMS).** This commitment was further evidenced by CSR and Human Rights policies. Systems to ensure minimum hours of rest are also in place, thereby reducing the scope for occupational hazards. Further, the majority of vessel owners hold relevant insurance cover in the event of illness, injury or death to crew or others potentially affected by their

business operations. All vessel owners stated that they retain next of kin details in the event of illness, injury or death to crew.

140. However, a sizable proportion of SWFPO members do not have a SWMS nor do they have CSR or Human Rights policies. Indeed, some members do not have the relevant insurance cover in place. Also, a sizable proportion of members do not have a policy on minimum medical fitness requirements of crew. Further, many of the systems which members operate are not documented. Right to Life protections would be further enhanced through enactment of such initiatives.

## Prohibition of Slavery, Servitude and Forced Labour

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141. **No evidence of slavery, servitude or forced labour was found during the course of this audit.** All fishermen stated that they were in the UK and working in the fisheries sector by their own volition. The work they carried out today was as they were led to believe it would be at the outset of their contract. No evidence of misrepresentation was therefore found. All fishermen are in possession of their personal documentation and retain control of their possessions at all times. Significantly, no fishermen indicated that they had to pay anyone for the opportunity of work in the UK fisheries.
142. Fishermen stated that they enjoy freedom of movement during non-working hours, in particular non-EEA fishermen who in most cases live on board the vessel to which they are assigned. Also, vessel owners stated that employed fishermen enjoy the protection of repatriation clauses in their work agreements meaning that they are free to return home at no expense to themselves should circumstances dictate.
143. Wages were stated to be paid and received on a regular weekly or monthly basis and at all times the correct wages i.e. that which was paid by the vessel owner and that which was expected by the fisherman, were stated to be paid and received.
144. Some employed fishermen receive a monthly salary of between \$500 and \$1500. As employers, vessel owners should consider the implications of such salaries in relation to both National Minimum Wage and National Living Wage obligations.

## Freedom from Torture, Inhuman or Degrading Treatment or Punishment

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145. **No evidence of torture, inhuman or degrading treatment or punishment was found during the course of this audit.** Fishermen indicated a high satisfaction rating in respect of working relations with fellow crew, relations with the vessel owner, and relations with the local community. They also indicated a high satisfaction rating with respect to working and rest hours, food and drink, on board heating, cooling and lighting, and the standard of accommodation, sanitary and catering facilities.

146. Vessel owners indicated a strong commitment to ensuring work and rest hours are complied with although such commitment was not evidenced by a documented system which specifically addressed the monitoring of individual rest hours. Similarly, strong commitments were indicated in respect of the provision of food and drink and the monitoring of their quality and quantity. However, evidence of documented systems in this realm was negligible. In the same vein, accommodation, catering and sanitary facilities were said to be monitored as part of a system but not documented in any meaningful way.

## Human Trafficking

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147. **No evidence of modern slavery was found during the course of this audit.** As previously stated, fishermen are working in the UK fisheries by choice. No suggestion of payment for the opportunity of work or sign of debt bondage was unearthed during the course of these enquiries. The work fulfilled by the fishermen today is as they were led to believe it would be at the outset of their contract. Further, they are in full possession of their personal documents and retain control over these at all times.

148. Some vessel owners engage the services of employment/crewing agents. Although the scope of this audit did not extend to include agents, such agencies are a recognised risk in the UK fishing supply chain. Vessel owners utilising the services of employment/crewing agents stated that they conduct remote audits on their suppliers and that part of this audit addresses their compliance with UK law. Nonetheless, without further detailed scrutiny of the supplying agents it is not possible to rule out the risk of modern slavery practices within the supply chain.

## Right to Respect for Private and Family Life

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149. **No evidence of a breach of the Right to Respect for Private and Family Life was found during the course of this audit.** The majority of fishermen interviewed as part of this audit reside in the UK and are engaged on a share fishermen basis. Their rights in this regard are not affected in the same way as those fishermen residing outside the UK. However, most fishermen indicated a high level of satisfaction with respect to telephone and internet access, the main means of communication with family whilst living and working on board. Vessel owners generally provided unlimited access to fishermen, depending on work commitments. Some vessel owners provided their overseas crew with enhanced internet services to ensure regular correspondence was possible with family members. **However**, some fishermen have to pay for the telephone and internet services and some reported that the technology on board was not sufficient to support modern means of communication.

150. Further, the majority of fishermen stated that they are given a means to transmit all or part of their payment overseas to family members at no cost to themselves. This is done either through the facilitating employment/crewing agent or bank transfer.

However, some fishermen reported having to use international money transfer companies such as MoneyGram and Western Union at their own expense. **As stated above, this falls foul of ILO C188 requirements.**



## Recommendations

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Based on the above findings and various risks identified, both present and potential, the following recommendations are made:

1. Counsel drafting a SWFPO Corporate Social Responsibility Policy to which all members are guided and bound.
2. Counsel drafting a SWFPO Whistleblowing Policy to which all members are guided and bound.
3. Counsel drafting a SWFPO Anti-Slavery and Human Trafficking Policy to which all members are guided and bound.
4. Counsel drafting a SWFPO Human Rights Policy to which all members are guided and bound.
5. Counsel voluntarily drafting a Transparency in Supply Chains Statement for SWFPO in line with the UK Modern Slavery Act 2015 and in the spirit of the UN Guiding Principles on Business and Human Rights.
6. Counsel raising awareness among SWFPO members in relation to ILO C188 and the key developments taking shape within the industry and the effect these will have on members.
7. Counsel raising awareness among SWFPO members in relation to the Modern Slavery Act 2015 and outlining the direct and indirect effects of this piece of legislation in relation to members' transparency in the supply chain considerations and the role they play within their customers' supply chains.
8. Counsel advising SWFPO members who currently operate without a documented Safety and Welfare Management System on the importance of being able to objectively demonstrate to external parties the scope of their business management endeavours. Such a system will also have the added benefit of preparing members for the impending effects of ILO C188. There are options to adopt 'off the shelf' products such as the SafetyFolder or Responsible Fishing Scheme. Alternatively, members could pursue bespoke options via third party advice and consultation. In all cases, however, it is strongly recommended that any management system incorporates internal and external auditing processes and that aspects such as living conditions, water quality, accommodation standards, catering, sanitary, and recreational facilities, are all accounted for through documented processes and procedures.
9. Counsel advising SWFPO members on reviewing their current insurance policies – Employer's Liability, General/Public Liability, and Accident Insurance. In particular, members should review the limits of cover and circumstances under which insurers will pay out and, importantly, not pay out.



10. Counsel drafting a SWFPO Crew Minimum Age Policy to which all members are guided and bound. Any policy should be drafted in accordance with ILO C188 and relevant UK legislation.
11. Counsel drafting a SWFPO Crew Medical Fitness Policy to which all members are guided and bound. Any policy should be drafted in accordance with ILO C188 and relevant UK legislation.
12. Counsel drafting SWFPO model Work Agreements on behalf of members for both share and employed fishermen in preparation for ILO C188 requirements. Expert legal advice in the drafting of such work agreements is strongly advised. As this is an industry wide related matter, there may be scope for collaboration with other Producers Organisations and/or national representative bodies. Due regard should be paid to the rights and responsibilities of both parties to the agreement. However, at a bare minimum the agreement must include provisions relating to payment terms, sickness and injury, repatriation, hours of work and rest, and be available in a comprehensible form, namely written in a language the fisherman understands and free from unnecessary legalese.
13. Counsel raising awareness among SWFPO members and members' crew, in particular crew from non-EEA countries, in relation to modern slavery concerns within the industry, the measures underway to mitigate such risks, and the key signs to look out for.
14. Counsel advising SWFPO members to review their current system of payslip and settlement sheet provision. There are some employed fishermen who do not receive a payslip on a weekly or monthly basis. It is a legal requirement in the UK to provide employees with a written itemised pay statement on or before the day they are paid.
15. Counsel advising SWFPO members using the services of employment/crewing agents on reviewing the system of oversight in place for employed fishermen paid by employment/crewing agents. As a recognised risk category in the UK fishing supply chain, it is incumbent upon consumers of such services to hold their suppliers to account in respect of ethical and transparent business practices. Without greater scrutiny there is too much scope for unscrupulous employment/crewing agents to exploit the system and the fishermen they recruit.
16. Counsel advising SWFPO members who engage the services of non-UK fishermen on reviewing the arrangements in place for fishermen sending money overseas to family members. ILO C188 stipulates that fishermen sending money overseas to families should not be unfairly prejudiced and have to pay for this. Some fishermen have stated that they have to pay for this service and alternative arrangements should be found in such cases.
17. Counsel advising SWFPO members using the services of employment/crewing agents on conducting a thorough audit of these service providers. Ideally, physical audits should be conducted in the labour sourcing countries from which they recruit. Counsel maintaining a whitelist of nationally authorised and ILO C188 compliant agents.

18. Counsel seeking legal advice in relation to National Minimum Wage and National Living Wage requirements for employed personnel earning between \$500 and \$1500 per month.



## Conclusion

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In conclusion, the SWFPO audit findings are predominantly positive and wide-ranging, but also offer a key opportunity for members to both gauge and measure their individual positions in respect to current UK industry welfare and human rights standards and more importantly, recent related developments being made through NFFO and the likes of the Fishermen's Welfare Alliance ("FWA"). Clearly, evidence suggests that the fishermen under the employment of SWFPO members are overall satisfied in their work, and the work environment. Nonetheless, from a corporate perspective, members need to be able to better demonstrate an objective and long-term overt commitment to fishermen's welfare and human rights protections. They further need to recognise their role within the wider fisheries supply chain, and that through maintaining high standards and public leadership, their actions and example may lead to a drive for wider industry compliance, especially noting the uncertainty of BREXIT and the associate potential CSR scrutiny from future external buyers of their products. In the light of impending ILO C188-related UK legislation, the report findings reveal some of the key challenges ahead for SWFPO members, all of which are easily capable of being overcome through promptly addressing the matters raised; and under the 2011 UN Guiding Principles on Business and Human Rights, reporting and notifying those issues under the UN "Know and show" tenet.

ENDS.

