

INDEPENDENT RESEARCH PROJECT INTO NON-EEA NATIONALS WORKING IN THE NORTHERN IRISH FISHING INDUSTRY



Commissioned by
Anglo-Northern Irish Fish Producers Organisation (ANIFPO)




HUMAN RIGHTS AT SEA



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Abstract

As part of its renewed approach to Corporate Social Responsibility (CSR), the Anglo-Northern Irish Fish Producers Organisation (ANIFPO), also known as Sea Source, commissioned new research into the human and where applicable, the labour rights of non-EEA nationals working in the Northern Irish (NI) fishing industry. The English charity, Human Rights at Sea (“the charity”), as an independent maritime human rights organisation was appointed to conduct the research.

In the last three years, evidence of human trafficking related to labour exploitation in Ireland and illegal workers entering the UK fishing industry under the guise of professional fishermen has raised public awareness as to the vulnerability of non-EEA nationals working in the sector. Further, in the spirit of ensuring non-exploitation under the Modern Slavery Act 2015 and transparency in supply chains, it is increasingly becoming essential for ethical business practice to follow emerging soft law and the customary use of the 2011 UN Guiding Principles on Business and Human Rights (UNGPs) as part of tackling the potential for human rights violations within the UK fishing industry. This is in addition to noting new hard law provisions such as the International Labour Organisation (ILO) C188 Labour Fishing Convention.

By conducting a series of independent interviews in neutral locations with non-EEA nationals working for ANIFPO/Sea-Source members¹ in Kilkeel harbour, the company has sought to set new standards in terms of best management practice, due diligence and transparency in supply chains in the NI fishing industry. Further, the method employed was designed to help inform the ‘ground truth’ of activities within ANIFPO/Sea-Source’s scope of influence.

The research findings were generally positive, although not without identified issues. Measured against a body of established legislative performance indicators, specifically taken from the Universal Declaration of Human Rights 1948, some of the findings raise important policy and working questions, many of which are addressed by a list of recommendations at the end of the report.

¹ The term ‘ANIFPO/Sea-Source members’ includes individual principals and their boats unless otherwise expressly differentiated in the report.



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ANNEX A: Non-EEA Crew Interview Guide



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1. Background

- 1.1. Migrant workers, specifically those from non-European Economic Area (non-EEA²) countries, form a sizable and important part of today's fishing industry in Northern Ireland (NI). For over ten years the Northern Irish fishing industry has been relying on fisherman from countries as far away as Sri Lanka, India, Ghana and the Philippines to help fill the vacuum created by a diminishing local workforce, the emerging aging of NI fishermen, impact of an apparent apathetic young population, and to support the fishing communities of Kilkeel, Ardglass and Portavogie during what have been turbulent economic times.
- 1.2. Minimal documented information based on independent research currently exists in respect to non-EEA migrant workers in the NI fishing industry. From recruitment, selection and vetting, and their journey to the various harbours, to the owners, boats and general working conditions, no systematic survey has thus far been carried out.
- 1.3. Recent public media examples of human trafficking in the Irish fishing industry highlighted unscrupulous agency practices in relation to Indian 'fishermen' in both the UK and Ireland. Meantime, the introduction of the Modern Slavery Act 2015 has cast a spotlight on the issue of non-EEA migrant workers and hastened the need for those within the maritime supply chain to act in a manner commensurate with the best interests of the industry and more importantly, of the workers themselves.
- 1.4. In the light of this knowledge deficit, recent events in Ireland, and impending corporate statutory duties vis-à-vis the Modern Slavery Act 2015, the Anglo-Northern Irish Fish Producers Organisation (ANIFPO/Sea-Source³), one of two Northern Irish fish Producers Organisations⁴ (POs), has commissioned a research project by the independent maritime human rights charity, Human Rights at Sea ("the charity"), as part of its increasing due diligence

² The **European Economic Area (EEA)** provides for the free movement of persons, goods, services and capital within the internal market of the European Union (EU) between its 28 member states, as well as three of the four member states of the European Free Trade Association (EFTA): Iceland, Liechtenstein and Norway.

³ Sea Source is the brand name, which Anglo North Irish Fish Producers Organisation (ANIFPO) work under, alongside Anglo North Irish Offshore Energy Service (ANIOES).

⁴ The other fish producer in Northern Ireland is known as the Northern Irish Fish Producers Organisation (NIFPO).



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processes to help better inform its membership, the NI fishing industry, and the national and international community at large.

- 1.5. As a responsible PO with a mandate extending beyond the ordinary PO remit, in line with their ethical stance on business and human rights, ANIFPO/Sea-Source have recognised this information gap in their supply chain transparency and have sought to proactively address the deficit with respect to their members (and associated non-members), their industry, and the non-EEA fishermen that they employ.
- 1.6. Such a proactive approach to the issue is aimed at laying the foundations for future UK fishing industry best practices, and to help inform the CSR policies of those in the industry that see their role in the sector as operating ethically responsible businesses.



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2. Executive Summary

- 2.1. As part of its Corporate Social Responsibility (CSR) and general due diligence processes, Anglo-Northern Irish Fish Producers Organisation (ANIFPO (Sea-Source Ltd)) commissioned a bespoke research project by the independent maritime human rights charity, Human Rights at Sea.
- 2.2. The research assessed the working conditions and experiences of non-EEA nationals working for its members in the Northern Irish (NI) fishing industry. Evidence of previous incidents of human trafficking in the Irish fisheries and bogus workers from non-EEA countries entering the UK under the guise of professional fishermen, acted as a trigger for the commissioned research.
- 2.3. As a responsible Producers Organisation (PO) with a mandate and service portfolio extending beyond the ordinary PO remit, ANIFPO/Sea-Source recognised an information gap in their supply chain transparency. Consequently, the PO sought to proactively address the deficit with respect to protecting the interests of their members (and associated non-members), their wider industry, and most importantly, the non-EEA nationals that they employ.

Method

- 2.4. A series of semi-structured one-to-one interviews with non-EEA nationals from the Philippines were held at the offices of the Fishermen's Mission in the harbour at Kilkeel. All respondents were advised as to the nature and purpose of the interviews and expressly gave their informed consent to participate in the research project. Further discussions with vessel owners and third-party stakeholders were also held to help give additional context to the research findings.
- 2.5. The scope of the interviews ranged from addressing matters of recruitment, travel, contractual provisions, remuneration, equipment and training, treatment on board, living conditions, and crew welfare.
- 2.6. The data gathered was quantified and measured against a series of established human rights based performance indicators. Fundamental to



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this performance system of assessment was the Universal Declaration of Human Rights, the European Convention on Human Rights, the UN Guiding Principles on Business and Human Rights and in the light of recent UK legislative developments, the Modern Slavery Act 2015.

Conclusions

- 2.7. No evidence of deliberate, systematic or inadvertent violation of human rights was detected in the sample research findings.
- 2.8. Participants generally indicated a high degree of satisfaction in their work and described positive working relationships with their colleagues and employers throughout. However, some issues were highlighted for further enquiry. Chief among these issues is the uncertainty surrounding their long-term prospects for employment in the NI fishing industry.
- 2.9. With a question mark hovering over their immigration status there is a significant degree of anxiety and trepidation among the Filipino workforce. Great importance is placed on their ability to work in the UK and send money home to their families who may be supporting children through the educational system, or buying and building new homes.
- 2.10. In the light of the issues identified a series of recommendations are included at the end of the report. These recommendations address not only matters which merit further enquiry, but aspects of fisheries and employment policy improvement too.

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3. Introduction

- 3.1. Voluntary use of soft law business and human rights provisions have become a staple feature of any meaningful CSR policy adopted by responsible businesses. However, the extent to which policy translates into action varies internationally.
- 3.2. In November 2016 the Food and Agriculture Organization of the United Nations (FAO) called for an intensified international push to stamp out human rights abuses in the world's fishing industry, including trafficking of people and forced labour, as well as an end to the scourge of illegal fishing. Meaningful policies rely on meaningful action and it is through these proactive actions that the FAO, and others who share in its vision can potentially overcome the challenges facing workers in this industry.
- 3.3. In addition, due consideration must be taken of global initiatives in support of fishers rights, including the likes of International Labour Organisation (ILO) C188 - Work in Fishing Convention, 2007 (No. 188)⁵ and the 2016 "Fishers first: Good practices to end labour exploitation at sea" report⁶, by way of example.
- 3.4. As part of its CSR policy and commitment to doing business with regard for human rights, ANIFPO/Sea-Source instructed Human Rights at Sea to freely engage in an independent research project into the rights of non-EEA nationals working in the NI fishing industry.
- 3.5. The research was carried out under flexible terms of reference, with Human Rights at Sea having the ability to expand the investigation where it deemed appropriate, without external interference or influence.

Statistics

- 3.6. According to figures from the Marine and Fisheries Division of the Department of Agriculture, Environment and Rural Affairs, in 2015 the NI fishing industry employed a total of 1733 people, 1304 of whom were full-time and 429 of whom were part-time. 859 people were employed in the

⁵ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188

⁶ http://www.ilo.org/global/topics/forced-labour/publications/WCMS_515365/lang--en/index.htm



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'catching' sector, 708 of which were full-time and 151 part-time. 716 people were employed in the 'processing and marketing' sector (484 full-time and 232 part-time) whilst 158 were employed in 'other' sectors of the industry (112 full-time and 46 part-time).⁷ Non-EEA crew working on board fishing vessels fall under the 'catching' sector and are employed on a full-time basis.

- 3.7. Approximately 132 non-EEA nationals work in the NI fishing industry. Roughly, this number is distributed in equal measure across the three fishing harbours: Kilkeel (42), Ardglass (40), Portavogie (50). As a proportion of the total number of those working in the NI 'catching' sector i.e. non-EEA and EEA nationals both full and part-time, non-EEA nationals represent 15% of the workforce. If we were to take this number as a proportion of the total number of those working in all sectors of the NI fishing industry on both full and part-time bases, non-EEA nationals represent 8% of the total workforce.
- 3.8. There are 325 NI registered vessels. Of these, 193 are fishing vessels. This figure of 193 represents 59% of all NI registered vessels. 45 of these vessels are members of ANIFPO/Sea-Source, whilst 148 vessels are Northern Irish Fish Producers Organisation (NIFPO) members. In percentage terms, 23% are ANIFPO/Sea-Source members whilst 77% are NIFPO members.
- 3.9. As a proportion of the total number of non-EEA nationals working in the NI fishing industry, non-EEA crew working for ANIFPO/Sea-Source members represent 16%. 84% therefore work for NIFPO members.
- 3.10. As a proportion of the total number of fishermen in the NI fishing industry i.e. all sectors both full and part-time, non-EEA crew working for ANIFPO/Sea-Source members constitute approximately 1%. Whereas non-EEA crew working for NIFPO members constitute approximately 7%.

⁷ Table 17: Employment in NI fishing industry, 2012 – 2015, p.14, 'Northern Ireland Agri-Food Sector Key Statistics June 2016: Key Facts on Agriculture, Fishing and Forestry', Prepared by: David Playfair, CAP Policy, Economics and Statistics Division, DAERA (<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Northern%20Ireland%20Agri-food%20Sector%20Key%20Statistics%202016%20Final.pdf>) – accessed on 16/01/17)



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4. Methodology

- 4.1. The research was commissioned by ANIFPO/Sea-Source who, after discussions with the charity subsequently approached it to undertake an independent review of the current situation with respect to non-EEA nationals working for ANIFPO/Sea-Source members within the NI fishing industry i.e. the target cohort.
- 4.2. On analysis of the instructions received, the charity put forward a written proposal to ANIFPO/Sea-Source who in turn agreed the scope and intent of the research project. The interview guide was broadly discussed and agreed prior to the charity sending an investigative researcher to NI.
- 4.3. Of the three main fishing harbours in NI, Kilkeel, Ardglass and Portovogie, Kilkeel harbour formed the principal location of the research. Given the project's time constraints and the majority of non-EEA crew under ANIFPO/Sea-Source membership working in Kilkeel, it was deemed appropriate that the first research project be undertaken in this location alone.
- 4.4. Research was carried out over four days in NI.

Qualitative Research Method

- 4.5. The methodology employed a series of qualitative, semi-structured open-question interviews. In qualitative research interviews the fuller and more detailed the answers, the better for the subsequent analysis. This method was therefore chosen due to the specific interest in the interviewees' individual perspectives and perceptions. As a consequence, such a method also allowed the interview to reflect the researcher's concerns, namely the experience of non-EEA crewmembers working in the NI fishing industry and any issues that may arise with respect to any potential abuses of their human and labour rights.
- 4.6. Semi-structured open question interviews were chosen to allow for a list of specific topics to be covered, but also allow for more expansive interviews. This gave the interviewee the opportunity to respond, as they were comfortable with, and the researcher to adapt the interview accordingly (i.e.



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by asking ‘piggy-back’ questions that followed up interviewees’ replies and where necessary, varying the order and even the wording of the questions). Such a method therefore allowed for greater flexibility and responded to the direction in which interviewees took the interview and where appropriate, adjusted the emphases in the research as a result of issues that emerged.

- 4.7. Purposive sampling was adopted during this research. Purposive sampling is a strategic method of sampling and entails an attempt to establish good correspondence between the research questions and the sample. To achieve this, the researcher samples based on the need to interview people who are relevant to the research questions. The sample in this research thus depended specifically on the availability of non-EEA nationals working for ANIFPO/Sea-Source members.
- 4.8. The sample was obtained via ANIFPO/Sea-Source speaking directly to its members and where possible arranging the availability of respondents. The availability of the sample relied on both the willingness of respondents to conduct interviews and the ability of ANIFPO/Sea-Source to contact relevant members who employ non-EEA crew on board their vessels.
- 4.9. Ensuring a statistically representative sample on this basis of respondent selection presented minor hurdles. Due to the nature of the fishing industry, some vessels with non-EEA crew on board were out at sea whilst others were in harbour. Consequently, it was not possible to interview all persons within the target cohort.
- 4.10. To achieve theoretical saturation, as many respondents as possible within the target cohort were sought. Theoretical saturation is essentially the idea that one samples until theoretically a category being studied is saturated with data, so much so that no new findings are likely. Due to the sensitive nature of the research topic and the investigatory elements attached, a high saturation threshold was set in order to account for the intricate differences between individual respondents’ experiences.

Interview Location

- 4.11. All interviews were conducted at the premises of the established Fishermen’s Mission at Kilkeel harbour. This neutral venue was deliberately selected to encourage respondent participation and allow interviewees to



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give as honest and as open an answer to the various questions as possible. It was felt that interviews conducted on-board a respondent's assigned vessel or at ANIFPO/Sea-Source offices may have prejudiced the answers given.

- 4.12. From a sponsor's perspective, the neutrality of the venue was also designed to avoid any suggestion of bias in the research findings. Given the close-knit nature of the fishing community in Kilkeel, in the interests of impartiality it was important to give interviewees the opportunity to speak freely away from their fellow colleagues, skippers, principals and any ANIFPO/Sea-Source staff members.
- 4.13. All respondents were interviewed individually. The option of anonymity was offered to the participants and the confidentiality of their answers assured. Each interview was recorded but not subsequently transcribed.

Ethical Considerations

- 4.14. Policy. In line with Human Rights at Sea Research Ethics Policy⁸, each prospective research participant gave their informed consent to interview after having as much information as might be needed to make an informed decision to participate in the research explained to them.
- 4.15. Language. Given the level of English language skills of some participants, extra care was taken when providing this explanation. Therefore, prior to conducting any interview, each respondent was introduced to the investigative researcher, told who the researcher worked for and who the sponsoring entity was, and had the purpose and basic method of the research explained to them.
- 4.16. Anonymity. To limit the prospect of an invasion of privacy, as previously stated, the option of anonymity was offered to all respondents and the private nature of the interview explained. Each respondent was expressly informed that there was no obligation to participate in the research study or to answer any of the questions asked. Similarly, to avoid any harm to

⁸ Human Rights at Sea Research Ethics Policy, First Edition September 2015
(<https://www.humanrightsatsea.org/wp-content/uploads/2015/09/20150905-HRAS-Research-Ethics-First-Edition-Locked.pdf> - accessed 17/01/17)



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participants, specifically professional, reputational and financial, the data findings have been anonymised and every care was taken prior to interview, and subsequently to protect the respondent's interests. Any questioning of respondents' interview experience by third parties was strongly discouraged.

- 4.17. Transparency. No deception techniques were used while carrying out this research. All participants were informed prior to interview of the exact nature and purpose of the research. Furthermore, ANIFPO/Sea-Source informed its members who in turn will have in some capacity informed their non-EEA crew about the project prior to interview.
- 4.18. Coaching. There was nothing to suggest that there had been prior respondent intimidation or coaching of any sort from the answers participants gave. However, the possibility of unconscious bias or unconscious interference cannot be ruled out completely.

Limitations

- 4.19. There are 19 Filipino nationals and 21 non-EEA nationals working for ANIFPO/Sea-Source members. 14 interviews with Filipino nationals were conducted. This figure represents 74% of the total number of Filipino nationals working for ANIFPO/Sea-Source members, and 67% of the total number of non-EEA nationals working for ANIFPO/Sea-Source members. Non-EEA crew working for ANIFPO/Sea-Source members in Kilkeel harbour do not only come from the Philippines. **These research findings are therefore based on the experiences of Filipino fishermen only.**
- 4.20. As a proportion of the total number of Filipino fishermen working for ANIFPO/Sea-Source members, 74% was considered a statistically adequate percentage to draw general inferences from. However, due to the relatively small number of Filipino nationals working for ANIFPO/Sea-Source members i.e. 19, a higher percentage would have been preferred to assure a more representative sample. Indeed, only another seven interviews were needed to cover the total number of non-EEA nationals working for ANIFPO/Sea-Source members.



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- 4.21. It is estimated that there is a total of 42 non-EEA nationals working in the fishing industry in Killeel harbour. Therefore, as a proportion of this total, the research findings are based on 33% of respondents' experiences.
- 4.22. It is estimated that a total of 132 non-EEA nationals from a range of countries work in the NI fishing industry. This research is therefore based on approximately 10% of respondents' experiences from this total.
- 4.23. Finally, some of the data findings are borne out of generalisation and extrapolation. Given the inherent subjectivity of each interview it was necessary to generalise and extrapolate at certain points in the report findings. Where a finding is a result of such generalisation/extrapolation the report states so.





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5. Findings

Non-EEA Crew Interviews

- 5.1. Although expressly seeking to cover all non-EEA nationals working for ANIFPO/Sea-Source members within the NI fishing industry, all respondents interviewed during this research were of Filipino nationality. As previously stated, those interviewed represent 67% of ANIFPO/Sea-Source members' non-EEA workforce.

Age and Sex

- 5.2. Of the respondents interviewed the cohort has an age range of between 34 and 55 with an average age of 44. The median age is 43. 7% are in the age category 26-35, 57% are aged between 36-45 and 36% are in the age category 45+.
- 5.3. All respondents were male.

Crew Experience

- 5.4. Of the respondents interviewed, the total documented time at sea in the UK and Irish fishing industries ranges from initial contract to 10 years with an average of 7 years experience. 71% of respondents possess between 8 and 10 years work experience in the UK and Ireland. The median years of experience in this category is 8 years. In Kilkeel alone, the total documented time at sea is between initial contract and 9 years with an average of 4 years experience. The median years of experience of working in Kilkeel is 3.5 years.
- 5.5. The total documented time at sea in the UK and Ireland excluding NI is 3 years. The median years of experience in this category is 2.5 years.
- 5.6. 64% of respondents average 16 years of total documented time at sea i.e. total experience at sea worldwide. The median total documented time at sea is 17 years. Further, of this cohort, respondents average 10 years prior experience at sea before coming to the UK and Irish fishing industries. The



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remaining 36% of respondents did not account for their previous experience outside of the UK and Ireland and therefore no data is available for them at this juncture.

Place of Residence

- 5.7. Of the respondents interviewed, 100% permanently reside in the Philippines. Approximately 29% reside in the province of Cebu located in the Central Visayas region, 75% of who live in Cebu City and 25% of whom live in Oslob. Approximately 29% of respondents live in the province of Ilo Ilo located in the Western Visayas region, 75% of whom live in Batad and 25% of whom live in Carles. Approximately 29% live in various parts of the capital and administrative centre, Manila, located in the southwest of the Luzon region. 6.5% live in the city of General Santos located in the province of South Cotabato in the south of the Mindanao region. The remaining 6.5% reside in Bago City located in the province of Negros Occidental in the Western Visayas region.
- 5.8. The maps provide a geographic context.



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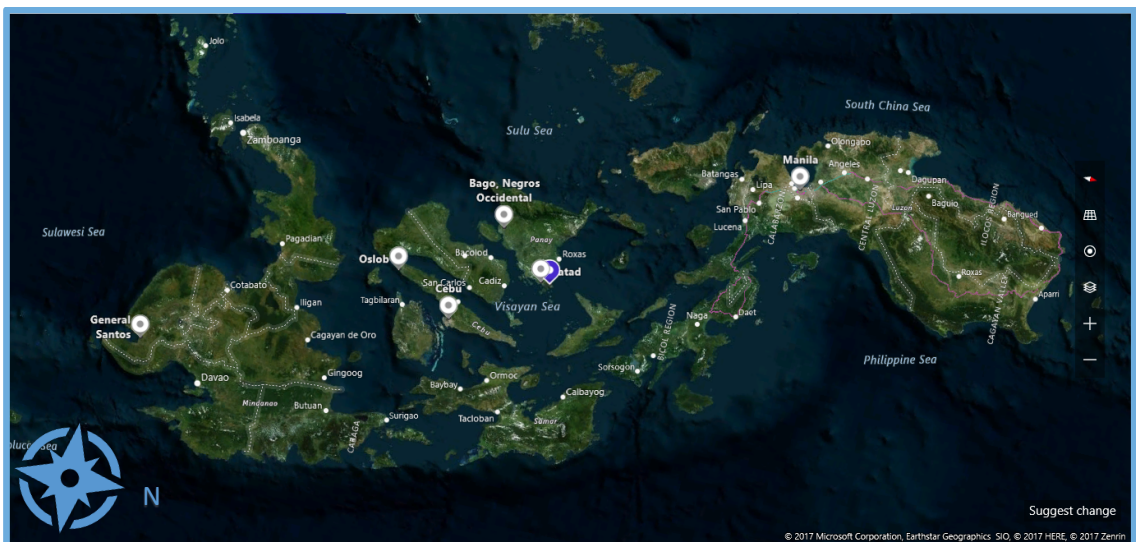
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Map 1: Geographic Context by Country



Map 2: Geographic Context by City



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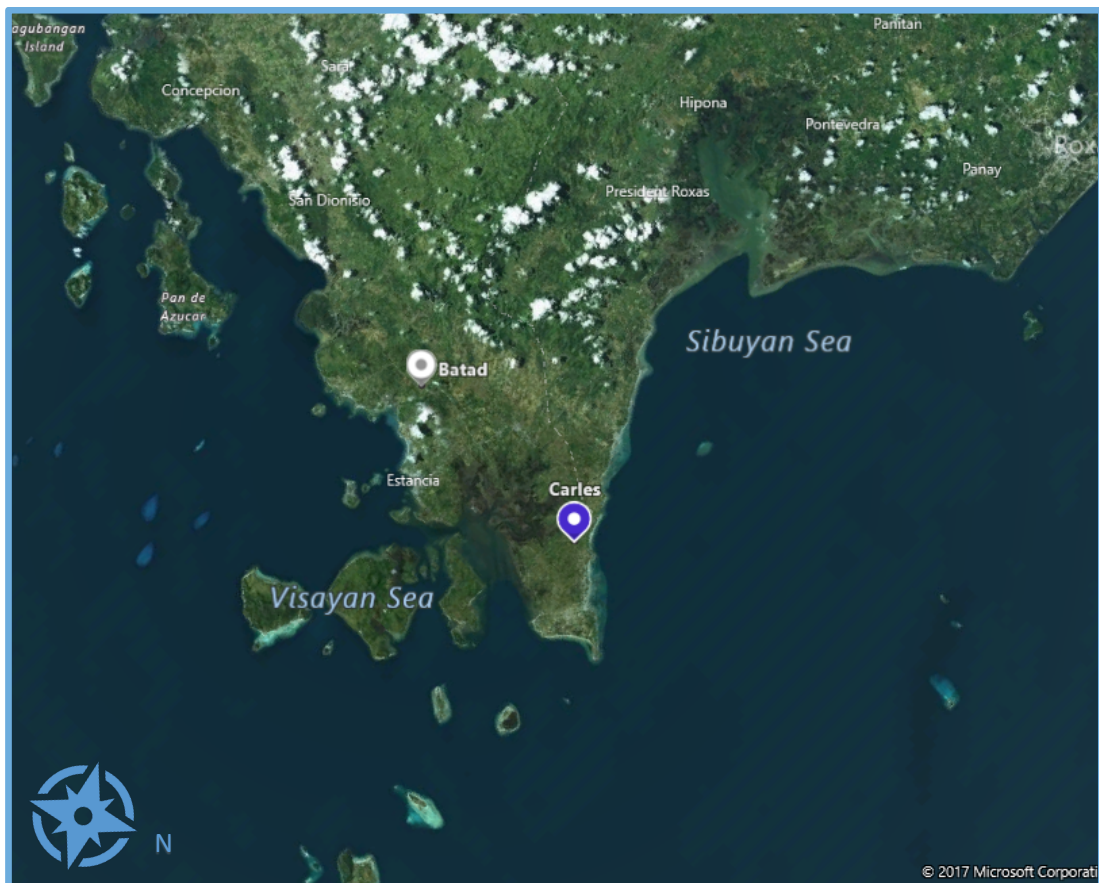
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Map 3: Cities of Batad and Carles



Journey

- 5.9. All respondents travel by conventional means to their place of work and commence their international journey in Manila. Common flight paths include Manila to Belfast via Hong Kong and London, Manila to Belfast via Singapore and London, and, Manila to Belfast via Amsterdam. Reputable flight operators are used and include, among others, British Airways, Cathay Pacific, Singapore Airlines and KLM. All respondents stated that they were met at either Belfast City or Belfast International by their principal or a representative thereof on arrival to the UK.



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5.10. Respondents described travelling either individually, or in the company of fellow Filipino nationals commencing their contract in Kilkeel, NI.

5.11. All costs pertaining to travel and visa arrangements are borne by the agent and principal and no monies are seemingly exchanged between the worker and the agent or principal at this stage, either in the form of a lodged deposit, direct payment or a security.

Employers – Agency/Principal/Vessel

5.12. 100% of the respondents interviewed are employed through the Filipino agency, Super Manning Inc. based in Manila, Philippines. The respondents in relation to working outside the NI fishing industry had previously used other agents.

5.13. The respondents interviewed were employed across 4 principals (i.e. company owners), 3 of whom are individual ANIFPO/Sea-Source members⁹ and 1 of whom is an ANIFPO/Sea-Source associated non-member i.e. connected to the PO in a form other than membership.

5.14. At the time of interview, respondents were employed across 6 different vessels, 5 ANIFPO/Sea-Source boat members¹⁰ and 1 ANIFPO/Sea-Source associated non-boat member¹¹.

Voluntarism – Agency/Principal

5.15. Of the respondents interviewed there was no suggestion that they were working in the NI fishing industry against their will. Each respondent voluntarily approached their respective agent and actively sought work in UK waters. Further, for those returning the majority expressly stated their preference to work in Kilkeel for the same principal again.

⁹ The term 'individual ANIFPO/Sea-Source member' refers to individual principals/owners.

¹⁰ The term 'ANIFPO/Sea Source boat member' refers to individual boats that are members of the PO.

¹¹ The term 'ANIFPO/Sea Source non-boat member' refers to boats within the NI Fishing Fleet linked to ANIFPO/Sea-Source other than by direct membership of the organisation i.e. those boats that land their catch through ANIFPO/Sea-Source's fish sales factory.



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Contract of Employment

5.16. All respondents stated that they were on a contract of employment placing each of the respondents in the category of 'mariner' and not 'share fishermen'. This definitional status therefore conveys certain rights in respect of employment law on the respondents.

5.17. As part of the research, respondents were encouraged to voluntarily provide evidence of their contractual agreement. 3 out of 14 respondents did so in the course of this study. As each of the respondents were employed through the same Filipino crewing agency, Super manning Inc., the below findings generalise and presume that the respondents were employed under the same standard terms contract as one another.

Lodged Deposit

5.18. On interviewing the respondents there was no indication or suggestion that a 'deposit' was lodged by the worker with either the facilitating agent, the employing principal or any third party to secure the opportunity of work in Kilkeel.

Identification Documents

5.19. All respondents stated that their original identification documents, including passport and seaman's book, were ordinarily in their personal possession. All but one respondent stated that their original identification documents were currently in their possession. The reason given for this was that the immigration authorities had confiscated his documents on arrival to the UK pending further enquiry into his immigration status. **At the time of interview, the respondent had been without either his original documents or copies thereof for approximately three months.**



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General Terms and Conditions

Duration of Contract

5.20. Of the contracts seen, each respondent was employed on a fixed-term contract of 8 + 2 months. The '+2' denotes that upon completion of the initial 8 months, subject to the mutual consent of both the worker and principal, a further 2 months work may be agreed.

Basic Monthly Salary, Overtime and Leave

5.21. All respondents stated at interview that a total monthly salary of USD1400 was paid to them. On analysis of the standard terms contract a total monthly salary of USD1450 is paid. **This is a discrepancy of USD50 between the figure stated by the respondents and the figure stated in the contract.**

5.22. In the contract the monthly salary is broken down as follows:

Basic Salary	-	USD1000
Overtime	-	USD300
Vacation Leave with Pay	-	USD150

Hours of Work

5.23. The contract of employment states a working week of 48 hours. How many hours in a week respondents actually work is not known. Respondents stated that they work until the task is complete.

Allotment Agreement

5.24. Many of the respondents have an 'allotment agreement' appended to their contract of employment. This agreement is voluntary and reflects an arrangement between the worker and his principal to 'allot' a certain percentage of his wages to a designated bank account in the Philippines, of which the worker's family has access. The agent in the Philippines facilitates this payment.



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5.25. Most respondents set-up an allotment agreement ranging from half the money to all the money been sent back to their families in the Philippines. None of the respondents expressed any obvious dissatisfaction with the operation of this system.

Agency Fees

5.26. A commission of USD75 is paid to the agent by the principal per worker per month. There is no indication in the contract that the worker pays the agent a monthly commission in addition to this, nor was there any suggestion that this was the case at interview.

Payslips or Remittance Advice

5.27. There is no indication that respondents receive a monthly payslip or remittance advice with respect to their remuneration.

National Living Wage

5.28. On first analysis of the remuneration received, there is the suggestion that respondents currently receive an hourly rate that falls below the National Living Wage. For example, at an exchange rate of USD1.23 to the GBP1, respondents receive a total monthly salary of £1177. At 48 hours per week over four weeks, this amounts to approximately £6.10 per hour. In the contract, overtime is included in the above total monthly salary therefore any hours worked beyond this will further reduce the hourly rate.

Security Payment

5.29. A security of USD200 per month for the first five months is taken from the respondents' salary at the start of each contract and held by the facilitating agent. This equates to USD1000. The security is held for the duration of the contract and returned upon completion. Should the worker terminate his contract early or fail to complete his contract for some other reason the USD1000 security is forfeited.



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5.30. It is not clear from the contractual terms and conditions whether any extenuating circumstances may avoid the incidence of forfeiture. Neither is it clear whether the security is still payable in the event of early termination or failure to complete the contract during the optional extra two-month period, assuming the extra work is agreed.

Role On-Board

5.31. 93% of the respondents interviewed were employed as deckhands. 7% were employed as engineers. All respondents indicated that they understood their role on board and what was expected of them. No differentiation in terms of remuneration is reflected in the respondents' roles on board.

Personal Protective Equipment

5.32. All respondents stated that they were provided with adequate and sufficient quality Personal Protective Equipment (PPE). Specified items included safety helmets, overalls, safety gloves, safety boots, life vests, life jackets, immersion suits and harnesses.

HSE Training

5.33. All respondents stated that they received adequate and sufficient quality HSE training prior to and whilst working on board their assigned vessels. All respondents stated that they felt comfortable asking the skipper or principal for further clarification or training time if something was not fully understood.

Working Relationships

5.34. All respondents reported enjoying good working relations between themselves, their respective skippers, and fellow crewmembers. No respondent reported any incidence of disciplinary action, physical or verbal altercation and seemed generally satisfied with their treatment on board.



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Accommodation, Bathroom and Kitchen (Galley) Facilities

- 5.35. All respondents live on board their respectively assigned vessels. There is no suggestion that any money is deducted from their salary to facilitate this arrangement.
- 5.36. Accommodation is said to be of a good, clean and functional standard. When asked about the standard of accommodation all respondents stated that they were happy with the conditions on board.
- 5.37. All bathroom facilities were said to be in good, clean and functional working condition.
- 5.38. All kitchen (galley) facilities were said to well resourced and in clean and good working condition.
- 5.39. Whether respondents have the choice to live on shore and whether or not they are aware of this choice is unclear.

Food & Drink (Sustenance)

- 5.40. Food and drink is provided by the principal and seemingly at no extra cost to the respondents. All respondents stated that they were provided with enough food and that any dietary requirements were catered for. Respondents stated that they could eat and drink when they like.

Trade Union Membership

- 5.41. None of the respondents stated that they were members of a trade union. In some cases the concept of trade union membership was alien to them. In other cases the concept was seemingly understood but deemed unnecessary and by choice decided not to take up membership.



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Welfare

Communication/Family Contact

- 5.42. In all cases, respondents stated that they had regular and sufficient contact with their families back home in the Philippines. However, there was disparity in the cost and regularity of contact and the means by which respondents contacted their families.
- 5.43. Some respondents had daily contact with their families, whether at sea or not, using their vessel's internet to communicate via email and social media platforms. Communication in this instance was free of charge. However, not all vessels are fitted with Wi-Fi.
- 5.44. Other respondents had weekly contact whilst in harbour via mobile and landline and had to pay for their own data service plan and phone cards. In some cases this amounted to £20+ per month mobile charges and £20 for 250 minutes of landline call time.
- 5.45. The cost, regularity and means of contact are to a large extent determined by the technology that the respondents and their family in the Philippines possess, and the available technology on-board their vessels.

Family Bereavement

- 5.46. One of the respondents stated that his wife died whilst he was working in Kilkeel. He was at the start of his contract. He did not return home for the funeral because he was concerned that he would not be allowed to return to the UK to work. His concern lay not in whether his principal would allow him to return but whether or not he would be granted another visa.
- 5.47. It is not clear whether he was offered the opportunity to return home, whether his contract allowed him to return without penalty i.e. forfeiture of the security, or whether such extenuating circumstances would permit him to return on the same visa and at no extra cost to him.



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Fishermen's Mission

5.48. All respondents stated that they were aware of the Fishermen's Mission and its role in Kilkeel and that they used it and its various facilities on a regular basis. Clearly the Mission forms an important hub for the respondents and plays a large part in their lives when in harbour.

Immigration Concerns

5.49. A concern shared by all respondents is that of their present and future immigration status and how this will impact on the opportunity of employment.

5.50. All the respondents have families whom they support back home in the Philippines. Their families are dependent on the income earned whilst working in the UK, monies of which are used to send their children to college and university, for investment and to build and maintain their homes.

5.51. There is a large degree of anxiety among the respondents in relation to this matter as they are solely reliant on the work to meet their financial obligations and familial aspirations.

Extra-Contractual Work

5.52. None of the respondents stated that they were asked to fulfil any extra-contractual work, for example, cleaning of cars or painting and decorating. All work fulfilled by the respondents related directly to their contract of employment on board their respectively assigned vessels.

Owners

5.53. Although not constituting any formal part of the research project, the opportunity to speak to two ANIFPO/Sea-Source individual members arose in the course of the fieldwork. These discussions had the added benefit of giving additional context to the research findings. Both individual members



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currently employ non-EEA nationals on board their vessels – specifically, both individual members either currently or have previously employed Filipino nationals.

5.54. It was clear from the discussions that the long-term viability of employing non-EEA nationals, particularly from the Philippines, was a shared concern among individual members. Uncertainty over the interpretation of the immigration rules and their application are affecting the capacity of individual members to both plan for the future and crew their vessels, as they would like. This in turn has the potential to impact on commercial output at a point in time where the fishing industry is experiencing somewhat of resurgence.

5.55. It was reported that some Filipino nationals who for many years have worked in the NI fishing industry are unable to obtain visas in the Philippines for work in the UK.

5.56. Clearly the individual members value the contribution the Filipino workers make to the success of their businesses and highlight their work ethic in relation to other workers in the industry as a major advantage. Furthermore, there was a genuine sense of concern for the welfare of their non-EEA nationals, evidenced by the propensity of individual owners to go beyond that which is expected of an employer in the ordinary course of his or her duties.

Third Party Stakeholders

5.57. Third party stakeholders were directly spoken to in the course of the research. As with discussions with individual owners, their input does not constitute any formal aspect of the research findings and without corroboration or evidence, constitutes hearsay and conjecture. However, anecdotal accounts of non-EEA nationals working elsewhere in the NI fishing industry raise significant concerns in relation to the working conditions experienced by their ANIFPO/Sea-Source counterparts working in Kilkeel.

5.58. Non-EEA nationals working for members of the Northern Irish Fish Producers Organisation (NIFPO) in the harbours of Ardglass and



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Portavogie are allegedly experiencing treatment and working conditions that fall well below the threshold of established legal standards. It is alleged that cases of physical and verbal abuse and uninhabitable living conditions have been highlighted among these concerns. Further, such alleged incidences of abuse are not isolated to non-EEA nationals. Fellow EEA nationals are also said to be experiencing mistreatment, going so far in one alleged case as to constitute an alleged threat to life.

- 5.59. Among other concerns raised, non-EEA nationals are said to have carried out extra-contractual work such as car washing and painting and decorating. Whether such work is done on a forced, voluntary or paid basis is unknown.
- 5.60. Finally, there is a concern that the relevant authorities and law enforcement agencies are not engaging with the issue of non-EEA workers' rights and have adopted, in some alleged instances, an unacceptably aggressive and prejudiced approach, criminalising individuals as a matter of course.



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6. Conclusions

6.1. The above findings have been measured against key legislative standards and established legal protections. These performance indicators are steered by the United Nations Guiding Principles on Business and Human Rights and specifically include the following 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):

RIGHT	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	-
Freedom of Assembly and Association	Art. 20 Art. 23(4)	Art. 11	-

Right to Life

6.2. Nothing in the above report findings for the research sample in Kilkeel suggests a breach of the fundamental right to life. Respondents stated that all relevant PPE and HSE training is provided for and that working conditions are safe and adhere to strict industry standards.

6.3. Respondents felt safe while carrying out their duties and stated that they would ask if they were unsure of how to do something.



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Prohibition of Slavery, Servitude and Forced Labour

- 6.4. Although not a sufficient condition in itself, the fact that non-EEA nationals are working in the NI fishing industry on a voluntary basis is a strong indicator against any form of slavery, servitude or labour exploitation. There is a contract of employment and workers are free to terminate this with reasonable notice. Early termination of contract will result in forfeiture of a security payment, however.
- 6.5. Salaries are purportedly paid on a monthly basis at the agreed contractual rate, although a discrepancy has been highlighted in relation to the contract rate and what respondents stated they were actually paid.
- 6.6. Identification documents are held in the personal possession of each respondent and no deposit is lodged with the agent, principal or third party to secure the opportunity of work. Further, there is no evidence of forced or unpaid extra-contractual work being undertaken by the respondents.
- 6.7. Respondents enjoy freedom of movement during non-working hours and are fully aware of the presence of the local Fishermen's Mission, its role and the services it provides in respect of fishermen's welfare issues.
- 6.8. However, the research findings did highlight a possible area of concern in relation to labour exploitation. On analysis of the contract, based on the hours worked and salary paid obligations under the new National Living Wage are seemingly not being met. Further enquiry will confirm this.

Freedom from Torture, Inhuman or Degrading Treatment or Punishment

- 6.9. No evidence of torture, inhuman or degrading treatment or punishment arose during this research in terms of the research sample.
- 6.10. Respondents stated that they enjoy good working relations with their principals, skippers and fellow crewmembers. No incidences of violence, aggression, altercations or disciplinary action were reported. They felt that their treatment was commensurate with other EEA nationals and was generally of a fair and considerate nature.



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- 6.11. Respondents are contracted to work for 48 hours of the week in line with the EU Working Time Directive. However, exceptions can be made for sea-fishermen and respondents indicated that their hours of work, although unpredictable, were not unreasonable.
- 6.12. Cabins, bathroom and kitchen facilities were all reported to be of a good, clean and functional standard. Food and drink is purportedly provided for in sufficient quantity and quality and any dietary requirements are catered for.

Human Trafficking

- 6.13. Of the respondents interviewed, there was nothing to suggest that they had been trafficked into the NI fishing industry for labour exploitation. Although expressly excluded as a defence to exploitation, the fact that respondents consent to travel to work in Northern Ireland is a strong indication that they are not victims of human trafficking. They voluntarily approach their Filipino based agent who in turn facilitates the contracted work with their respective principal. Some respondents are on their 10th contract in Kilkeel implying a large degree of job satisfaction. Further, the fact that many of the respondents stated a preference to return and work for the same principal corroborates this.
- 6.14. Respondents are of an age and level of experience that do not imply age vulnerability, although age and experience, in themselves, are not sufficient conditions upon which the possibility of exploitation can be excluded.
- 6.15. The conventional means of travel to and from the UK and the fact that personal identification documents are kept in the possession of respondents throughout their term of work further weaken any suggestion of a connection with trafficking in this instance.
- 6.16. In the course of conducting this research, of those interviewed, nothing was said that suggests the presence of a 'third party' facilitator. The system of employment appears to be simple and transparent, commencing with the positive approach of the worker to the agent, through the agent to the principal, and finally to the principal in NI.



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Right to Respect for Private and Family Life

- 6.17. The right to respect for private and family life is seemingly not infringed. Respondents enjoy regular contact with family members via telephone, email and various social media platforms. However, this right, although not positively denied, is unevenly enjoyed due to circumstances pertaining to the respondents' own communications technology and the technology available on board their vessels.
- 6.18. Monies earned are sent back to family members on an Allotment Agreement basis and nothing from the interviews suggested this agreement was frustrated in any way by the employing principal, facilitating agent or any third parties.
- 6.19. It is unknown what extenuating circumstances would permit repatriation to the Philippines without forfeiture of the security payment each respondent pays in the first five months of their contract. Further enquiry will confirm this.

Freedom of Assembly and Association

- 6.20. Respondents are free to assemble with those whom they choose to associate, regularly doing so at the premises of the Fishermen's Mission and other communal spaces around the harbour.
- 6.21. Trade Union membership, although not positively denied, is not actively encouraged or brought to the attention of non-EEA nationals. Some respondents are seemingly not aware of the concept whilst others seemingly choose not to take up membership. However, there is no suggestion of compulsion or denial of access to information in this regard.



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7. Recommendations

7.1. When measured against the above performance indicators there was nothing found in the research to suggest any deliberate, systematic or unwitting abuse of human rights in the research sample. However, in the course of carrying out this research it has become clear that certain issues would merit further investigation and minor policy amendments, presuming that they have not already been carried out, would benefit from implementation.

The following is a list of recommendations highlighting these items:

7.2. Counsel conducting a further series of interviews with EEA nationals working for ANIFPO/Sea-Source members both, as an end in itself and for comparative analysis.

7.3. Counsel convening a plenary session for individual ANIFPO/Sea-Source members to better understand their concerns and respective standpoints and documenting the meeting's findings.

7.4. Counsel conducting interviews with the remaining non-EEA nationals working for ANIFPO/Sea-Source members. This will provide a greater understanding of the issues facing non-EEA nationals, have the potential to rule out any possible discrimination along nationality grounds and complete ANIFPO/Sea-Source due diligence with respect to its members' non-EEA cohort.

7.5. Counsel voluntarily drafting of a 'Transparency in Supply Chains' statement in accordance with section 54 of the Modern Slavery Act 2015. Although not a statutory duty for ANIFPO/Sea-Source duty level of earnings, such a statement is considered best practice given the nature of the industry and would form part of the organisation's broader CSR policy.

7.6. Counsel sharing the report's findings with other stakeholders to improve awareness in the industry and maximise supply chain transparency.

7.7. Counsel making the report publicly available on the organisation's website.



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- 7.8. Counsel further research of the other two fishing harbours in NI, Ardglass and Portavogie, in respect of the non-EEA nationals who work there. There is a need to quantify and qualify this piece of research and further analysis of non-EEA nationals' working conditions is considered essential for establishing a baseline picture. A multi-stakeholder approach to this initiative may be best suited in this instance.
- 7.9. Counsel appointing or electing a representative for non-EEA nationals working for ANIFPO/Sea-Source members; ideally one for each nationality where practicable.
- 7.10. Counsel holding a plenary session of all non-EEA nationals working for ANIFPO/Sea-Source members and advising them of the various rights and responsibilities they have as a result of working in the UK.
- 7.11. Counsel providing an update to non-EEA nationals, in particular Filipino nationals, in relation to their immigration status.
- 7.12. Counsel producing a whistleblowing policy across the organisation and advising non-EEA nationals in respect of this policy.
- 7.13. Counsel further enquiry into the highlighted USD50 discrepancy between the contracted total monthly salary, the perception of Filipino nationals and the actual sum remitted to their accounts.
- 7.14. Counsel seeking legal advice on behalf of members and their non-EEA workers in relation to payment of the National Living Wage for non-EEA workers in the NI fishing industry.
- 7.15. Counsel further enquiry into matter of the 'security payment' which non-EEA nationals pay the facilitating agent. Further enquiry into the terms and conditions affecting its forfeiture are strongly advised.
- 7.16. Counsel further enquiry into rights of non-EEA nationals in relation to their accommodation arrangements i.e. do non-EEA nationals have the choice to live ashore? If so are they aware of this choice?
- 7.17. Counsel further enquiry into third party facilitating agents i.e. Super Manning. Further information in relation to documented pay arrangements



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between the agency and the workers is advised. A general audit of the facilitating agency on behalf of members and as part of ANIFPO/Sea-Source's CSR and due diligence checks is also advised.

7.18. Counsel providing information regarding trade union membership to non-EEA nationals.

7.19. Counsel signatory status to the UN Global Compact in relation to business and human rights. Given ANIFPO/Sea-Source's scope of work and role within the local community, the relevant performance indicators associated with the UN Global Compact, Human Rights, Labour, Environment and Anti-Corruption, seemingly fit neatly with the organisation's wider endeavours. Further engagement with third party auditors to provide independent checks and balances against the relevant criteria is advised should the organisation choose to sign-up to the Compact.





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**ANNEX A to
ANIFPO Report
Dated 27 January 2017**

ANIFPO/SEA-SOURCE NON-EEA CREW INTERVIEW GUIDE

- **Option of respondent anonymity:** agreed upfront and explained at outset - no disclosure without express consent.
- **Name, Nationality, Age:** (or if anonymous age category, ethnic origin).
- **Recruitment:** how, when, why, who (expectations met)? Any contracts/agreements signed? Comments about recruitment process?
- **Journey:** how, when, why, who (expectations met)? Any upfront costs / fees & if so how much?
- **Is employment voluntary?** Requirement to lodge 'deposit' or identity papers with employer? Free to leave employer after reasonable notice; security payment for early termination of contract?
- **Contract of employment?** What are the terms? Written and comprehensible information pertaining to working conditions? Copy supplied with testimony?
- **Remuneration:** who, how, when, quantity, (in relation to EEA crew)? Living wage? Information re wages; Share system on board?
- **Role on board:** (in relation to EEA crew members) - any variations / preferential treatment or parity based on experience and work?
- **Working conditions:** (defined by contract) – PPE, hours worked (overtime – is it voluntary/does it comply with national law/int'l standards?), breaks, food, sanitation, hygiene, HSE training (in relation to EEA crew members) - parity?
- **Standard of accommodation:** bathroom and galley facilities (in relation to EEA crew members) - parity?
- **Altercations, disciplinary measures?**
- **Pay deductions?**
- **General treatment/living conditions:** (in relation to EEA crew members) - parity?
- **Trade Union membership:** Employer attitude to this? Discrimination on this ground?
- **Welfare:** familial contact, repatriation, sick pay / local support / Fishermen's Mission?
- **Personal Statement:** anything further to add? Crewmembers own words.



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