



ANIFPO statement on HRAS report

In December 2016 the Anglo North Irish Fish Producer's Organisation (ANIFPO) commissioned an independent report into non-EEA nationals working on the vessels of the PO's members, by Human Rights at Sea (HRAS). The decision to commission this work stemmed from the ANIFPO's approach to enhanced Corporate Social Responsibility (CSR) and is in line with our organisation's ethos and values.

The report produced by Human Rights at Sea made a number of positive findings:

- All relevant PPE and HSE training is provided for, and that working conditions were safe and adhere to strict industry standards
- Non-EEA crew were engaged on a voluntary basis and the terms of engagement of the crew generally militated against any form of slavery, servitude or labour exploitation.
- Crew members stated they had good working relationships with principals, skippers, and fellow crew members. There were no incidences of violence, aggression, altercations or disciplinary action.
- Crew members also stated that they felt they were treated fairly and considerately, and their working hours were not unreasonable.
- Cabins, bathrooms and kitchen facilities were reported to be of a good standard. Food and drink was provided in sufficient quantities.

- There were no warning indicators of human trafficking or infringements of rights to respect for private and family life, or of assembly and association.

The ANIFPO welcomes these findings which are an independent endorsement of the responsible, ethical and diligent approach to the engagement of non-EEA crew which we have sought to foster in our members.

Nevertheless the report also highlights some areas of concern, and as part of our desire to transparently foster positive change, we set out below our proposed strategy of establishing the ramifications of the report's findings and how we intend to tackle the issues.

1). The Immigration status of non-EEA crew members.

The ANIFPO has long recognised this area of concern and for the last 3 years has engaged specialist legal support to attempt to ensure non-EEA nationals are engaged lawfully and that the requirements of UK immigration law are adhered to.

The ANIFPO has also been at the forefront of work by the fishing industry to lobby central government to reform the current system of engagement of non-EEA crew.

This work continues and following meetings with the Minister for Immigration Robert Goodwill MP, in December 2016, there are to be imminent discussions with central Home Office policy makers on the current system.

This work is intended to simplify and reform the current system, which should provide clarity and support to non-EEA crew subject to immigration control. We also hope to engage with UK Border Force to reduce the incidence of heavy handed operational activity and unnecessary detention of crew members.

It should also be highlighted that when necessary the ANIFPO has been prepared to defend crew members subject to immigration action, including raising judicial review proceedings in response to Border Force operations against non-EEA crew. On this occasion the ANIFPO, in conjunction with the other major Northern Irish FPO, successfully challenged the UK Border Force resulting in the reversal of adverse decisions against non-EEA crew.

The ANIFPO's approach has been to seek collaboration with policy makers to work on a clearer system, however a robust approach has been taken when justified to protect crew members and operators.

In terms of ongoing work in this regard the ANIFPO intends to:

- Continue engagement with central government to refine and clarify the current policy and law
- Continue the education of members and crew on the legal background to ensure their compliance with current immigration control requirements
- Resolve through legal counsel and engagement with the Home Office currently ambiguous aspects of the policy, such as shore leave for crews and residence in on shore accommodation.
- In the medium to long term seek to develop a collaborative approach with policy makers

Clearly in seeking to engage with central government, the ANIFPO's own credible approach to CSR will enhance our credibility and influence.

2). The Terms and Conditions of the engagement of non -EEA crew

HRAS's report raised concerns in relation to the contractual terms by which the crew are engaged. This was on two main bases, firstly that work must be carried out to ensure that the crew's engagement was compliant with domestic National Living Wage (NLW) law and secondly that auditing of the arrangements between the manning agent and crew member in relation to security payments and total remuneration (amongst other matters).

In terms of the NLW, the ANIFPO has already embarked on the path to establish the applicability of the regime to non-EEA crew members who are predominately regulated under an exemption from immigration control. This work will be completed shortly and will inform our strategy going forward.

The NLW is undoubtedly a thorny subject within the fishing industry, and the law appears not to have moved on significantly since the era when 'share fishing' was the predominate mode of engagement and for which specific exemption is provided by statute. The ANIFPO recognises the importance of compliance with applicable legal requirements in relation to the NLW. It is also important to highlight however that the terms of engagement of non-EEA crew working in Kilkeel are understood to be no different to the terms of crew working in other UK regions and across the fishing fleet. Therefore whilst the ANIFPO recognises this work will undoubtedly present challenges, we take pride in seeking to lead by example on this important issue, both in legal and reputational terms.

As regards the second matter, namely an audit of the precise arrangements with manning agents and terms of the crew's contracts, the ANIFPO intends to take a pro-active role in the coming months. It is likely this will include a visit to the location of the primary manning agent in Manila, in order that detailed discussions can take place, and evidence recorded, to ensure that all necessary steps are taken to ensure the terms and conditions of crew are fair and transparent, not just within the UK, but within the crew member's own home jurisdiction. The ANIFPO as part of this process will seek to ensure that arrangements are transparent and there is no undercutting or circumvention of stipulated contractual terms.

3) Concerns in respect of other ports and regions

The report raises anecdotal evidence of issues in other Northern Irish ports. The ANIFPO hopes to lead by example and to encourage other bodies and organisations to engage with the framework of international Human Rights law and domestic legislation to ensure non-EEA crew, and indeed crew of all nationalities, are engaged lawfully and responsibly.

There are limits to the ANIFPO's power to influence other regions outside its purview of Kilkeel, however there are close relationships within the fishing industry and across stakeholder groups, and the ANIFPO hopes that by engaging with these issues, providing the benefit of our growing experience in compliance and spreading the message, we can encourage the industry as a whole to grapple with the important issues raised in the report.

4). Suggested actions within the report

In addition to the specific issues noted above, HRAS recommend improved communication across the board by a variety of means, including plenary sessions with crew, members, principals and skippers. In addition HRAS recommend engagement with non-EEA crew and continued education as to their status and responsibilities, along with a defined whistleblowing policy to report infractions.

The ANIFPO is fully supportive of these proposals and has already progressed down that path, including, through close liaison with the local Fisherman's Mission, the holding of a meeting session with non-EEA crew and the ANIFPO's Chief Executive.

The ANIFPO intends to build upon that work and continue opening the channels of communication between all parties and providing secure methods of reporting infractions as regards the treatment of crew.

In addition the ANIFPO will seek counsel and consider signing up to the UN Global Compact in relation to business and human rights, as recommended.

Summary of conclusions

There is no doubt that the HRAS report has provided a clear endorsement of the ANIFPO's work to date to ensure that crew of all nationalities serving on its member's vessels work in a safe environment, are treated fairly, and are engaged responsibly. We are delighted with the report's findings and hope that the predominately positive responses speak to our organisation's ethos and values.

We recognise however that engagement with HRAS is a first step. The report has raised a number of issues which, in our experience, are endemic to the UK fishing industry. There is a heavy reliance on non-EEA crew. The terms and conditions of engagement vary little across the fleet, and so the issues identified in relation to the NLW or contractual terms will undoubtedly exist elsewhere. We understand that one major manning agency in the Philippines supplies 400 crew to the UK. Clearly the ANIFPO's proportion of non-EEA crew is extremely limited on the national level. Nevertheless we believe that it is of vital importance that the fleet improves on a number of key areas, and we hope that by leading on the issues identified in the report, despite our comparatively small footprint, we can set an example of best practice to be followed by others.

We are under no illusions that this will be a difficult path, but the ANIFPO is clear that the work is of vital importance and entirely in line with our desire to attain the highest levels of Corporate Social Responsibility.