

Wanted: A Fair Deal

Pacific Islander men in the longline fisheries work under frightening conditions. They deserve decent conditions of work

Land-based workers in Pacific Island Countries (PICs) are generally covered by laws regulating the terms and conditions of employment, including occupational safety and health (OSH) regulations. For instance, in Fiji, Samoa and the Solomon Islands, and, more recently, in Vanuatu, Papua New Guinea and Tonga, labour laws have been introduced in compliance with the standards of the International Labour Organization (ILO). Moreover, land-based workers may be members of unions engaged in collective bargaining, as in Fiji, Papua New Guinea, the Solomon Islands and Samoa. Exceptions to this may apply to the agricultural sector and to the informal sector.

In contrast, those who work offshore as deckhands on board fishing vessels in the exclusive economic zones (EEZs) and beyond, are not covered under such laws. For example, in Fiji, the Government has recommended wage rates for a variety of trades and occupations, but fishing and seafaring are not included in these.

Fishers and their families face dire consequences because of the lack of laws regulating wages and conditions on fishing vessels. It means that the men need to accept whatever wage they are offered simply to keep their families 'above the poverty line'.

It does not have to be like that....

Thanks to rising interest internationally in the conditions of work on board fishing vessels, we were able to source some information in published literature. However, much of that reported information does not take into account the situation in the western Pacific longline fishery, we took matters into our own hands and asked the fishers themselves.

We had direct discussions with the men who work as fishers in the Fiji fishery over about a five-year

period (see also V. Naidu, January 2023, *Islands Business* article: 'Fijian fish workers in foreign-owned fishing boats') and also with men whom we had assisted through World Wise Foods U.K.'s Sustainable Fisheries and Communities' Trust to attend the Fiji Maritime Academy. They wrote short essays for us on events at sea that they particularly remember.

In all, more than 170 men were interviewed or engaged in discussions. Their individual stories are consistent in their reporting of conditions on board the longliners on which they had worked.

To say 'our eyes were opened' does not come anywhere close to what we learned from those accounts. These

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men: on board vessels of confined space on an ocean completely absent of any relief for weeks at a time and often subjected to foreign captains and senior crew who did not speak any English. They had little rest from the 24/7 work of fishing.

Complaints

We listed the main complaints that were common to all of the deckhands from Fiji that we interviewed. Here's a summary:

* **No written contract:** Some men ask for pay slips but many men do not know enough to ask. When given, pay slips usually state hours worked as 9-to-5 and do not reflect the hours actually worked on a daily basis. This is a matter of 'fair dealing', that is,

This article is by Patricia Kailola (pkailola@gmail.com), Tropical Fish Systematist, Human Dignity Group, Fiji, Vijay Naidu (vijaynaidu61@gmail.com), Professor, School of Social Sciences and Law, University of the South Pacific, Fiji, and Joeli Veitayaki ((jveitayaki@blueprosperityfiji.org), Co-Principal Investigator for Blue Prosperity, Fiji

the men must know what they are going to be paid before they embark. The contract copy is needed for the fisher and his family to ensure his allotment is fair, and that (for Fiji vessels) the Fiji National Provident Fund (FNPF) contribution is paid up. The men are forced to accept that “the captain will decide” their wage during the voyage because they have families to support.

- * **Underpaid:** For 14- to 20-hour days, wages now range from FJ\$ 28 to FJ\$ 35 (about US\$ 13 to US\$ 18); rarely, it is FJ\$ 40. Even the older men get low wages despite being much more experienced. Sometimes, the men are cheated of their wages.
- * **Poor sleeping conditions:** The bedding provided always has bugs and the galleys always have cockroaches and rats. The men are allowed to sleep only for four-five hours.
- * **Lack of potable water:** While senior fishers get bottled water, drinking water for the other fishers is stored in tanks that are often rusted. Sometimes the men have to strain the water through cloth

continue even in cyclonic conditions. Sometimes fishers are swept overboard, and few are rescued. It attests to how little value is accorded to a fisher’s life.

- * **Forced into dangerous work:** Fishers often have to dive to uncoil the mainline from the propeller; they have to accompany transshipped tuna by raft; and they have to free-swim to transfer between vessels.
- * **Unequal work allocation:** As Pacific Islanders are normally physically larger than the migrant fishers, they are assigned tasks that are more difficult and carry greater risk.
- * **Poor protective equipment:** Very often, the personal protective equipment (PPE) issued to the men is thin and of small size, especially for the man handling the ice. Its cost is deducted from the wages yet the men are not allowed to retain the PPE.
- * **Loneliness:** When a man is the only Fijian on board, he lacks the comfort of safety in numbers and having someone to talk to.
- * **Lack of injury compensation:** Compensation is not paid after an injury. The injured are sometimes not allowed even to rest for a few days. We recommend that companies also supply safety equipment to protect the eyes and backs of the fishers; many injuries occur to the face and eyes from the hook or a snapped mainline. Older men are often crippled after years of lifting and carrying heavy tuna on an unstable platform.

Three other matters are worth noting: one, transfer of men should be reported in real time; two, migrant fishers unfamiliar with fishing should not be hired, and, three, the lack of security of Pacific Islanders working on foreign high-seas vessels.

In addition, there were many individual complaints spanning a range of matters. They include racism, being threatened with knives, being chased by a hatchet-waving cook, and denied food for days as a form of punishment. Fishers are often considered the scum of the earth, and their situation is worse when they are recruited from poorer countries (F. Coles, www.splash247.com, 2 June 2021).

These labour issues are not supposed to happen because for almost

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to make it drinkable. Sometimes, water runs out and the men have to capture water to drink from the air-conditioning units.

- * **Passport withheld:** Some Fiji companies hold on to the men’s passports, even though it is against the law. This is a form of blackmail, inhibiting the workers’ right to freedom of association.
- * **Poor and insufficient food:** The ‘lesser’ fishers are usually given meals low in quality and quantity, while the captain and senior fishers get better meals of chicken, beef or pork along with vegetables, even though the deck crew work hard over the day and need to be properly fed.
- * **Fishing in bad weather:** On many vessels, the master directs fishing to



Fishing vessels at Wallu Bay, Fiji. Fishers and their families face dire consequences because of the lack of laws regulating wages and conditions on fishing vessels

all them there are laws and regulations to protect fishers. Here's an outline:

Hours of work, remuneration: The minimum wage rate in Fiji was recently raised to FJ\$ 4 per hour. If these men work an average of 14 hours each day, they should earn FJ\$ 56 daily. Often, they work longer hours into the night, depending on the amount of tuna and other fish caught on each fishing trip. Moreover, considering their vast experience, the minimum wage for unskilled labour at FJ\$ 4 per hour is inadequate. The skilled and experienced men deserve even double that hourly rate.

Fishing companies obfuscate the quantum of remuneration by not giving written contracts; often, they give no contract at all. They leave the decision on wages to the captains, merely stating on pay slips (when given) that the hours worked were 9-to-5. They may not deliver the agreed allotment to the men's families—in the absence of a contract, the families do not know what they are supposed to be given. They may deduct provident fund contribution from the men's wages also, without actually making that contribution. In other words, the companies use every trick at their

disposal to exploit these desperate men.

Poor conditions on board: The employers are responsible for fair dealing and looking after their workers. The companies should also acknowledge the work the men do for the companies' profits. They have no business expecting the men to deliver when they are poorly fed. Could this be a ruse whereby the companies keep wages low so that the hungry and sleep-deprived men work a bit slower than desired?

Withholding documents: Competition among companies might be the reason they hold on to men's passports and papers at the end of each voyage. Such action prevents the men from going to other (high-seas) fishing vessels offering better wages. Passports and personal documents are the property of the person named on them (and the State) and may not be held by employers unless a written agreement is in place, which also enables the named holder to recover his documents at any time.

Poor working conditions: Employers are obliged to attend to the welfare of their workers. The conditions in which fishers are sometimes made

to work are extremely dangerous. There are several internationally approved means of transferring personnel between vessels at sea—in grouped or individual baskets, cranes, capsules, knotted swing ropes—but never by swimming. The paucity of safety equipment on vessels is a matter of concern: eye damage or loss is not uncommon, for example. It is noteworthy that if the victim manages to secure compensation, it is the State that pays the most with the companies paying a smaller portion.

Improper safety equipment:

Regulations under Fiji's Health and Safety at Work Act, 1996, Regulations 2003 state that 'the employer shall ensure that PPE and clothing of approved standard is provided without cost to the workers where a risk could be minimised by its use'. Companies charging the men for their PPE either do not understand the law or deliberately flout it.

Unequal workload:

This issue arises from the fishing companies and the departments of immigration not verifying migrant crew's qualifications. Almost certainly, fishers who know how to fish will engage in fishing activity so those men who are inactive are simply 'living out' the days of their two-year contracts.

A social life: Not having fellows from your own culture and language can turn a difficult voyage insufferable for workers. This can be negated by skilled vessel masters and astute recruiters.

Additional matters:


Regional fisheries management organizations should regulate the recording of fishers' transfers and the compilation and checking of the crew list at every port. Company recruiters and local immigration authorities should be enabled to check the veracity of migrant fishers' documents. Foreign-flagged high-seas vessels follow the rules of their flag State and so citizens of other countries working on those vessels have no protection except through the crew list. They have no guarantees of safety, wages and even of returning home.


Pacific Island Members of ILO should ratify the Work in Fishing Convention, 2007 (No. 188), in addition to the Pacific Islands Forum Fisheries Agency's (FFA's) Harmonized Minimum Terms and Conditions (MTC) for Access by Fishing Vessels, as amended in May 2019.

The nub of the matter is enforcement: Once in place, enforcement of laws and regulations is based on MTC and the enforcement of laws and regulations by national immigration departments, departments of labour, maritime safety authorities, departments of foreign affairs, and the regional fisheries organisations (Western and Central Pacific Fisheries Commission, and the FFA).

Fishers themselves are expressing a desire for their own organisation, like a trade union to protect their rights. In the absence of government authorities fulfilling their obligations, the men feel they cannot turn to any organisation for support.

This article shows a world 'out there', a world few people have experienced. It is a frightening world. Yet Pacific Islander men go willingly to participate in it: they are driven by the urge to survive, to somehow provide for their families, to remain alive and uninjured at the end of each voyage, to be fairly fed and paid. These are basic demands. Even so, the workers remain at the mercy of the fishing companies and their own Pacific governments that fail to enforce existing laws or to pass new laws to protect these most vulnerable citizens.

These men's work brings in our Pacific governments' and companies' incomes from the tuna fishery. These men deserve a better deal. They deserve a great deal of respect. 

For more 

Next to Slavery

https://www.icsf.net/wp-content/uploads/2021/06/4178_art_Sam72_e_art03.pdf

A new set of minimum terms and conditions for crewing employment conditions in the Pacific

<https://www.sas.com.fj/ocean-law-bulletins/a-new-set-of-minimum-terms-and-conditions-for-crewing-employment-conditions-in-the-pacific>

Providing Decent Employment for Pacific Fishers

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_486720.pdf