

## The role of socio-cultural fishing practices in obscuring micro-disciplinary, verbal and psychological abuse of non-EEA fishers in North East Scotland.

Natalie Djohari<sup>1</sup> and Carole White<sup>2</sup>

<sup>1</sup>School of International Development, University of East Anglia.

<sup>2</sup>Global Environmental Justice Group, University of East Anglia.

### Abstract

In recent decades, part of the UK fishing industry has become increasingly reliant on migrant crew, to fill local crew shortages. With restricted immigration status and invisibility on vessels out at sea, crews are vulnerable to both extreme and mundane forms of control and exploitation. Although the UK is legally addressing the potential for trafficking and forced labour across the fishing industry, more needs to be done to address the potential for micro-disciplinary, psychological and verbal abuse of non-EEA crew which remains difficult to evidence. This requires recognition of how non-EEA migrant fishers are made vulnerable by the intersection of socio-cultural practices of fishing with a visa system that anchors immigration status to named vessels, limits movements, and makes changing employers or raising complaints difficult. Taking the 2020 prosecution of a Scottish skipper for abusing Filipino crew as a discursive starting point, we explore how differences in local interpretation of fishing relationships, by skippers and non-EEA crew, reveal limited agreement over what constitutes acceptable behaviour. Drawing on fieldwork in North East Scotland, we argue that the white noise of coarse language, 'alpha male' behaviours, and narratives of risk and responsibility that dominate local fishing practice, when combined with scant appreciation of how non-EEA migrant experiences differ from other crew, can serve to obscure migrant crew's experiences of maltreatment. Greater attention is consequently required to vernacularise migrant crew rights, by making them locally meaningful so that both skippers and crew adequately recognise their responsibility to safeguard non-EEA crew.

**Keywords:** migrant labour, abuse, fishing, labour rights, coastal transformations.

### Introduction

In January 2020, Skipper Gordon Hadden of the *Serenity* fishing vessel, Fraserburgh, was fined £2,000 for racial harassment of five Filipino crew men between August 2013 and August 2019. He was fined an additional £1,000 for aggravated assault after he admitted striking one of the men, placing him in a headlock, and pushing him against the railings of the ship (Grey 2020). As the first significant prosecution of its kind in Scotland, the case sent shockwaves through the fishing community of the North East, which has become increasingly reliant on migrant labour.

Cases of human rights abuses, trafficking and forced labour have been identified in fishing industries such as Indonesia (IOM 2016), Thailand (EJF 2015), New Zealand (Simmons and Stringer 2014), Ireland (Lawrence et al. 2015), Ghana (EJF, 2020) and the UK (Leask 2015; and Shebbeare 2015). These cases demonstrate how invisible work and restricted immigration status can leave migrant fishers vulnerable to exploitation and abuse. This situation is being intensified by climate change and environmental degradation as changes to migration patterns and fish stocks apply economic pressure to reduce costs and extends vessel operations further and for longer out at sea (Sparks et al. 2021).

Many countries, including the UK, have responded by adopting national legislation on modern slavery and ratifying the International Labour Organisation Convention on Work in Fishing (ILO 188). While legislative changes attempt to address trafficking and the poor working conditions of migrant crew, gaps remain in both recognition and response to more mundane forms of coercion and control that are harder to evidence. These gaps are exacerbated by rights campaigns and legal discourses that constructs actors as victims or criminals (Wilson 1996: 142; Marschke and Vandergeest 2016). In the fishing industry, these discourses sideline skippers, leaving them little room to articulate their own experiences and result in little local recognition of the criminal ‘monsters’ caricatured in cases such as the *Serenity*. Successful implementation of legal protections consequently requires transforming social and behavioural norms by establishing a degree of *vernacularisation* (Merry 2006) – translating rights into *locally* meaningful norms that can re-frame how situations are interpreted so abuses become visible to both skippers and crew.

By drawing on the perspectives of both Scottish skippers and migrant crew, we highlight how local socio-cultural practices make non-European Economic Area (non-EEA) migrant crew particularly vulnerable to micro-disciplinary, verbal and psychological abuse. We argue that legal frameworks cannot fully protect migrant crews, when there is limited mutual agreement on what constitutes acceptable behaviour within the host fishing community. The first part of this article explores the impact of existing legal frameworks for non-EEA migrant fishing crew, arguing that the shift to low paid, low status, contractual employment with limited rights has transformed working relationships in the fishing industry. Drawing on the labour migration literature, we highlight how these precarious worker environments can make migrants vulnerable to particular forms of control. We then draw on our findings from fieldwork in North East Scotland, to demonstrate how local framings and attitudes among skippers and crew renders these mundane forms of abuse and control invisible. We conclude by highlighting some of the initiatives developed by the fishing industry and make suggestions for strengthening the protections of migrant fishing crew.

## **Review of legal frameworks and literature on migrant labour relations**

### ***Evolving legal frameworks around migrant fishing crew in the UK***

#### Transit Visas for non-EEA migrant workers

Before the UK left the European Union in January 2021, a distinction was made between the employment and visa requirements of nationals from within and outside the European Economic Area (EEA). While nationals from the EEA could be employed without requiring visas, those from outside the EEA needed to meet the strict qualifying requirements under the points based immigration system introduced in 2008. Fishing, categorised as unskilled labour, did not meet the qualifying criteria for general entry work. Consequently, non-EEA fishing crews were employed through Transit Visas (CRM01), commonly used in merchant shipping to ‘transit’ crew to boats operating outside of territorial waters (Howard 2012: 337). In 2008, an estimated 1000 Filipinos were employed across the Scottish fishing industry (ITF 2008). However, in 2009, following the high-profile death of four Filipino fishers in Fraserburgh<sup>1</sup> and reports of abuse akin to modern day slavery (ITF 2008), the government officially clarified that non-EEA crew working inshore (within 12 miles) were being employed on Transit Visas illegally. A temporary visa was issued from 2010 to 2012, to

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<sup>1</sup> In August 2008, prawn trawler *Vision II* caught fire in the harbour, killing Rimants Venckus, 50 from Latvia, and Ramilito Capangpangan Calipayan (33) and Benjamin Rosello Potot (33) from the Philippines. Reynaldo Benitez (29) from the Philippines also died that month falling from the Fraserburgh prawn trawler *New Dawn* while at sea. BBC News online. Memorial held for dead fishermen. 13 September 2008 [http://news.bbc.co.uk/1/hi/scotland/north\\_east/7612589.stm](http://news.bbc.co.uk/1/hi/scotland/north_east/7612589.stm)

cover any inshore vessels reliant on non-EEA crew until they replaced their 'illegal' crew with local or European crew. Post 2012, non-EEA crews are only employed on offshore vessels, operating outside 12 miles, principally from North East Scotland (Jones et al. 2020). The current transit visa scheme has several implications that are noteworthy in terms of a) working and living conditions, including time allowed off the boat; b) remuneration and recruitment.

#### Working and living conditions

The immigration status of crews on Transit Visas are attached to vessels rather than the employers. Boats are expected to dock and leave port within 7 days and crew are considered illegal if vessel leave without them. Transit Visa crews are expected to live and remain onboard vessels for the duration of their contract (usually 8-10 months). Due to their 'transit' status, access to health care other than for emergency treatment is limited. Special permissions must be sought if crew need to be housed on land for medical reasons or where boats are dry docked for repairs. While most fishing vessels provide cooking facilities and modern conveniences such as Wi-Fi, crew are restricted to cabin sized shared quarters, where conditions can be cramped or very basic. The application of Transit Visas, originally intended for merchant shipping, to the fishing industry raises serious welfare concerns and excludes migrant fishers from many of the UK employment law protections associated with the skilled worker visas.

#### Remuneration and recruitment

The employment of non-EEA migrant fishing crew has changed recruitment and remuneration practices. Crewing agencies operating within the Philippines recruit, employ and pay the crew on behalf of vessels, frequently dictating the terms of their contracts. Most contracts are held by crewing agencies (82%) rather than local vessel operators (15%) (Marine Scotland, 2016). Non-EEA migrant crew receive a fixed wage (97%) rather than a share – the most common pay structure for local Scottish crew which provides a percentage value of fish landed by a vessel after deducting operating (Human Rights At Sea, 2019). A review of this disparity has been called for by Jones et al. (2020) because it can increase dissatisfaction and well-being among fishers; result in discrimination and marginalisation (see also Murphy 2017); and marry with the lack of transparency in crewing agencies to obscure the true value of crew labour (Jones et al. 2020: 24).

#### Legislation on labour rights

In the UK, legislative changes have attempted to provide better protection for migrant workers and address the potential for trafficking and forced labour. The Modern Slavery Act 2015, consolidated and simplified existing slavery and trafficking offences. It introduced the Transparency in Supply Chains (TISC) requirement for all organisations to document their processes and due diligence to ensure supply chains are slavery free. Greater powers were also given to enforcement officers to investigate cases at sea, including making arrests on UK ships, and international ships if they were in UK waters (Seafish 2017). The Immigration Act 2016 introduced new sanctions on illegal working and the appointment of further oversight measure to enforce immigration laws and deal with labour exploitation. However, critics have questioned the way illegal working and labour market enforcement has come to be linked, arguing that the Immigration Act serves as a political instrument of migration control that obfuscates rather than addresses the structural causes of labour abuse. Opponents further claim the Act does not necessarily deter illegal immigrants but criminalises those working in violation of immigration rules, potentially making them more vulnerable to exploitation (Fudge 2018). More recently, the ratification in 2019 of the ILO Work in Fishing Convention (ILO 188), also provided a regulatory framework for working conditions, including directives on working and rest hours, contracts, minimum standards for crew accommodation, occupational safety, health

protection and complaints procedures enforceable by the Maritime and Coastguard Agency (MCA). Importantly, it made vessel owners directly responsible for meeting these legal obligations.

### ***Hyper-precarity, insecurity, and vulnerability to forms of coercion and control***

The UK fishing industry has become one of many nodes in the global flows of a migrant labour force frequently characterised by employment in low paid, undesirable work, often with increased occupational health risks (Moyce and Schenker 2018). As such, fishers coming to work in the UK can be vulnerable to many of the forms of exploitation and abuse that accompany transnational labour flows. While the UK has attempted to address this through legislative frameworks protecting migrant fishers from modern slavery and improving work environments, Vandergeest and Marschke (2020) suggest that a narrow focus on trafficking or forced labour, particularly when framed in binaries of free/unfree, forced/voluntary, fail to grasp the subtleties of coercive and exploitative labour relations. As a result, legislative protections struggle to protect workers who appear to voluntarily submit to exploitative conditions or fail to report abuse. As Azis and Wahyudi (2002) show, this is the case for fishermen as they often exert a greater degree of autonomy than trafficked victims by repeatedly entering into exploitation but are nonetheless subject to forced labour. In Indonesia they found fishers were more willing to endure violent and abusive conditions rather than the shame of returning home to their families without their back pay as a ‘trafficked victim’. As male victims, with less sensational, more mundane trafficking stories, their experiences do not easily map onto overly simplified expectations about trafficked victims and can become overlooked (Azis and Wahyudi 2002).<sup>2</sup>

By understanding freedoms/unfreedoms as a continuum, shaped by overlapping insecurities, migration scholars, such as Lewis et al. (2015), explore both the extreme and the more mundane forms through which control and coercion exist in labour relations. They use the term *hyper-precarity* to describe the layering of multiple insecurities produced by both labour and immigration regimes, which compel migrants to remain in coercive working relationships despite the existence of legal protections (Lewis et al. 2015). Some of these insecurities can exist prior to migration, such as poverty, indebtedness, or obligations to support family back home that motivate labour migration. But insecurity is additionally produced through working conditions such as use of agencies, temporary contracts and employment conditions that result in tenuous access to full workers’ rights. State immigration and immobilisation policies are also complicit in increasing migrant vulnerabilities to abuse (Anderson 2010; Derks 2010; Murphy 2013). Zou (2015) and Ewin (2015) use the term *hyper-dependency* to describe employment where immigration schemes restrict access to healthcare or tie a workers’ immigration status to a specific employer. With the former, workers are dependent on employers for medical support, and with the latter workers are unable to change employer without risking future employment and immigration status in the host country (Mantouvalou 2015; Murphy 2017). In fishing, the use of transit visas, similarly make fisher’s hyper-dependent on their employers, and their movements are further restricted to vessels and port areas. Within this context, migrant workers become vulnerable to both extreme and mundane forms of coercion and control.

In this paper we focus on mundane forms of control and abuse which often go overlooked. For example, where employment conditions coincide with close employer oversight and control over both living and working spaces, workers become particularly vulnerable to ‘micro disciplinary practices’ to subordinate the body such as slaps, pinches, kicks, and grabbing, and coarse language,

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<sup>2</sup> See also Chantavanich 2020 for further criticism of legal trafficking frameworks where the victims (male) and type of crimes do not easily fit.

name calling, belittling and threats to send employees back to their home countries, in order to discipline compliance, obedience and subordination (Pan and Yang 2012). Prolonged verbal abuse and the threat of physical violence can lead workers to acquiesce to longer hours or unsafe conditions (Moyce and Schenker 2018, p355). Similar abuses can be found in the global fishing industry. For example, in Simmons and Stringer's (2014) coverage of the abuse of Indonesian fishers on the notorious *Shin Ji* fishing vessel in New Zealand, complaints included relentless calling of derogatory and obscene names, crew verbally abused for taking too long to eat meals, sometimes having to skip a meal, and mistakes being punished with a hit around the head or being forced to stand in the freezer. Although these micro abuses were included in the list of accusations, the court case focused primarily on crimes such as withholding of pay, lack of protective equipment, and inadequate food provisions, that were easier to evidence and prosecute (Simmons and Stringer 2014). The successful prosecution in the *Serenity* case in Scotland is significant and unusual precisely because it focused on these micro abuses.

The ILO Indicators of Forced Labour lists the use of violence as a disciplinary measure in any form alongside intimidation and threats, and psychological coercion by insulting and undermining worker, as potential indicators of forced labour (ILO 2012). However, as struggles to address this type of abuse among overseas workers reveal, coming forward and evidencing abuse is challenging, particularly when verbal abuse, denial of rest days, poor living conditions, or excessive working hours are not recognised as serious or worthy of prosecution by enforcement authorities (Yeoh et al. 2020: 851). Micro disciplinary behaviours often appear inconsequential when regarded in isolation, and victims can be reluctant to come forward for fear of deportation and uncertainty about employment status (Potter and Hamilton 2014: 397; Yeoh et al. 2020). Migrant workers in hyper-precarious and hyper-dependent employment are consequently more willing to suffer in silence and endure exploitative practices (Potter and Hamilton 2014). This is compounded by spatial invisibility, for example where migrant workers are isolated in domestic spaces (Pan and Yang 2012) or rural factories (Lever and Milbourne 2017), hidden from both regulatory surveillance and isolated from accessing social support networks. Studies have also shown that migrant labour relations can be characterised by differentiation and segregations along cultural stereotypes which restrict migrant access to particular tiers of employment (Lever and Milbourne 2017), and among domestic overseas workers, treatment including curfews and restrictions of movements coincide with the use of kin terms (references to workers as 'daughters' or children), that re-frame them as dependents rather than autonomous, employed adults (Varia 2011; Pan and Yang 2012). We found similar occurrences in the Scottish fishing industry, and argue these socio-cultural practices have a direct bearing on the lack of visibility and limited recognition of micro disciplinary and verbal/psychologically coercive behaviours.

### **Research gaps**

The concurrence of multiple assemblages, such as labour recruitment practices, visas, spatial practices, and gendering, among others, can subject workers to a continuum of unfreedoms that differ in scale and intensity (Vandergeest and Marschke 2020: 293). Improving migrant fisher experiences consequently requires an approach that is sensitive to how these overlaps can compel migrant fishers to endure exploitative or abusive labour relations despite the existence of legislative protection. While much of the fishing literature has centred around regulatory change and the insecurities that drive migration, we suggest additional attention needs to be paid to the way local, socio-cultural attitudes and practices in host communities, can aggravate insecurities and heighten vulnerability to mundane forms of coercion and control.

Focusing on the social has frequently enriched our understanding of fisher vulnerabilities, demonstrating for example how the culture of the boat can increase risky behaviours such as drug taking (West et al. 2014); the role female relatives play in maintaining the health and wellbeing of fishers (Kilpatrick, King, and Willis 2015); and how access to social capital can impact on the ability to cope with changing fishing environments (Bakker, Koning and Tatenhove 2019). While research has focused on non-compliance to fishery regulations (for example Boonstra et al. 2010), there remains limited exploration of how socio-cultural context complement or frustrates industry protections, particularly around labour relations.

In this paper we demonstrate how exploring both the *social practice of fishing* (how labour practices are organised in the community) as well as the *culture of fishing* (the meanings attributed to practices that influence how events and relationships are interpreted), can illuminate the ways in which host community norms within the Scottish fishing industry can lead to coercive practices going unchallenged. Drawing on perspectives from both skippers and non-EEA crew, we illustrate how narratives and attitudes around responsibility and dangerous work frame crew relationships in ways that normalise micro-disciplinary, verbal and psychological abuse, making complaints difficult to express and hear. We also demonstrate how the practices migrant fisher use to negotiate and survive in hyper-precarious employment can clash with skipper expectations, leading to further conflict and frustrations.

## Methodology

This paper is based on intensive fieldwork conducted in North East Scotland between October 2019 to March 2020. The research team spent 4 weeks across two visits to Fraserburgh, Peterhead, and Buckie collecting interview and ethnographic data. This included semi-structured interviews with representatives from across the fishing industry, including processors and skippers; group and individual interviews with Filipino, Ghanaian and Sri Lankan migrant fishers and retired local fishermen; and a rapid ethnographic approach within both the local Filipino and broader fishing community, comprising of informal interviews, repeat discussion and site visits to local memorials, the local Filipino church, and tours of fishing vessels. In total we spoke with 63 people from across a broad spectrum of the fishing industry. This comprised 14 non-EEA crewmen, 12 active skippers, 17 retired skippers, 10 industry officials (2 of which were also retired skippers), 4 friends/family within the local Filipino community, and 6 involved in welfare, processing, and heritage.

Access to Filipino crew was facilitated through the Filipino church, providing a valuable safe space where crew felt free to talk about their experiences. Interviews were in English, but as the majority were conducted in the Filipino community, participants with better language skills were on hand to translate or clarify occasional questions and explanations in group discussions. We sought out interviews with both skippers and non-EEA crew to better understand both sides of the skipper-crew relationship. Primary data collection was complimented by existing secondary literature on North-East Scotland, organisational documents, websites and press releases. Fieldnotes and interviews were transcribed and coded in NVIVO for thematic analysis.

Inviting both skippers and crew to talk about onboard relationships inevitably bring ethical dilemmas. We decided that where there was clear evidence and claim of serious abuse and/or illegal practices that could lead to harm, we would have been ethically obliged, in discussion with the informant, to report them to the relevant authorities. However, we decided we would not intervene in smaller disclosures where the informant was unwilling to raise a complaint and where there was no potential for serious harm. We believe this was the right approach to allow crew to talk more freely and respect their choices. Our aim was ultimately to understand how relationships, including

abusive practices, were viewed and responded to within the industry rather than investigate the extent of abusive practices. In all cases, we ensured interlocutors were aware of support services offered through the Fishermen's Mission<sup>3</sup> if they wanted to seek further assistance.

### **Understanding the context: Situating localised narratives of migrant labour in N. East Scotland**

The North-East of Scotland has a long history of skipper-owned family boats that continues today, particularly among the demersal and shellfish vessels (Coull 1996). This ownership is strongly tied to a fishing identity built around autonomy, perseverance, and resistance to outside interference (Ross 2015). Skipper attitudes towards migrant crew and changing legislation are frequently framed through the tropes of this fisher identity, but they are also situated within a prolonged period of industry contraction.

Following multiple rounds of decommissioning, the over 10m Scottish fishing fleet reduced, in 2019, to 40% (539 vessels) from the 1,362 vessels operating in 1991 (Scottish Government 2001; Marine Scotland 2020). During this time, many vessels came under considerable economic pressure from declining fish stocks, quota cuts, and restricted days at sea. Simultaneously, crew were being drawn away to the booming North Sea oil industry which offered improved pay, regular hours and better promotion prospects. The late 90s was also characterised by social problems, with Fraserburgh having the highest rate of heroin addiction per head of population anywhere in Britain (Stanford 1998).<sup>4</sup>

These guys who were on the drugs, they were just totally wasted. The good guys that were there [on the boat] got pissed off with all those junkies and they were stolen to the oil industry because the oil was offering good money at the time. We could compete with the money, but we couldn't compete with the time off. They were working three weeks on, two weeks off. All the good guys left to go to the oil industry and you're just left with this pile of ballast. (Skipper 'George', 50-60)

When the first Filipino fishermen started to arrive in 2008, fuel prices were at an all-time high and reducing costs was a key motivator for employing migrant crew (Abernethy et al. 2010; Howard 2012). As the story is told locally, the first vessel owners took a gamble that subsequently paid out.

The first owner in Fraserburgh that started taking on Filipinos, he said he looked at the end of one financial year, he looked at his biggest expense, and he said "my crew's wages were the biggest expense, so I decided I was going to try to get rid of that". So, he just did like that [cutting motion] a knife through his crew. He did the math. And granted it took months and everybody was saying 'It's not going to work', but once he got his guys learned up a year later, folk were seeing the profit [saying] "Oh we will maybe get a couple as well", and since that time, it's never looking back. (Former skipper 'David', age 55-60).

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<sup>3</sup> The Fishermen's Mission is a fishermen's charity that provides emergency support alongside practical, financial, spiritual and emotional care to fishermen and their families. They have significant involvement with the migrant fishing crews in Fraserburgh and Peterhead and are often the first point of contact for migrant crew reporting problems. The Mission chaplains often mediate to resolve issues between skippers and crew.

<sup>4</sup> Stanford (1998) and Stevenson (2011), attributes this partially to the fishing and oil industry where there is a higher tolerance of risk taking and where long periods at sea were followed by crews returning with big wages in hand, but it also echoes a wider drug problem effecting Scotland at the time triggered by economic downturn.

While a fixed wage contract can benefit crew by reducing the risk and uncertainty that accompanies payment in shares, the wages offered to migrant crew are far lower than what could be made by local fishers on the share system. For skipper-owners then, employing non-EEA crew is advantageous because it increases the financial stability of their vessels and provides reliable crew. Non-EEA crews are cheaper and their fixed wage contracts make outgoings more predictable which is attractive to investors. As one skipper told us, a bank had asked directly if he intended to employ waged, migrant crew when considering his loan application. The shift away from the traditional crew share system also allows skipper-owners to take a greater percentage of surplus profits which can be used to raise capital to expand the business to a second vessel or onshore investments. This coincided with wider economic trend to modernise the fleet, with skippers able to invest increased surplus in modernising vessels with considerable improvements have been seen to efficiency, navigation systems, nets, and safety (Howard 2012).

However, the dominance of migrant crews is not without its tensions. Locals complain that too few opportunities exist for young people without fishing family connections to come into the industry. With the downturn in North Sea oil, local men have also begun to look to fishing for work but complain of the local preference for cheap non-EEA labour. While some skippers have made a conscious decision to partially employ local crews, non-EEA crews continue to dominate on offshore demersal and shellfish vessels.

### **Disparities between skipper and migrant crew narratives**

Frames of reference for acceptable skipper-crew behaviour are often drawn from a skipper's own personal experiences of working his way through the industry. Because of this, we found skippers frequently failed to recognise how *different* migrant crew experiences were to previous generations of crew and were uninformed of the additional vulnerabilities facing non-EEA crew beyond trafficking and forced labour. As a result, the potential for micro-disciplinary physical, verbal and psychological abuse of migrant crew within the fishing community, went completely unrecognised.

In the accounts of skippers and fishing crews, physical abuse remained low, but the criteria for maltreatment among Filipino crew followed a different threshold to that of skippers. Non-EEA crew openly described mundane coercive and controlling working environments, exemplified by working relationships devoid of respect and what they described as 'shouting'. 'Shouting' is a problematic catch all term because it expressed frustrations (particularly around language limitations), swearing and/or crude language associated with the fishing industry, but could also describe prolonged denigration and racial abuse of crew. The paltriness of this term makes unravelling serious complaints difficult. Typical responses when explaining the difference between a good or bad skipper included: "The bad skipper is always shouting" or "They speak only strong words". Often it was attitude, a desperation to escape to a new vessel, or the prolonged, relentless nature of the 'shouting', that indicated 'shouting' had become abusive. Hector<sup>5</sup>, a returning Filipino crewman for 12 years, pointed out how unacceptable the relentless shouting could be.

"I've heard some Filipinos at landing, and the skipper, they shout all the time, and [I say] 'Fuck you', who are you? You speak slowly and the Filipinos will understand because it's not English, man. You're screaming at Filipinos because you're an idiot. Don't shout. Tell him slowly. You speak English slowly and the Filipinos understand it. ('Hector', Filipino crewman)

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<sup>5</sup> Name has been changed.



Among many skippers and industry bosses, 'shouting' was not equated with abusive behaviour or maltreatment but presented as part of an 'alpha male' industry that went hand in hand with dangerous work and a loud working environment.

I mean we are an industry that is very alpha male dominated. So, when you go back to probably prior to 2000 it was all home crew that we had, it was all young guys coming out of the schools. Very alpha male dominated, you know if you were a good crew you got on a good vessel and you got paid well. Nobody moaned. I used to shout at the crew and everything as well, but everybody understood the language, so it wasn't seen as offensive or anything and many times when you scream on board the boat it is for reasons of safety, you know, to get people out of the way or whatever. (Industry official, ex-skipper 'Luke', 50-60)

'Shouting' as a coercive practice is rendered invisible because skipper's do not recognise the subtle insecurities that prevent migrant crews leaving abusive employers, and instead draw upon their own personal experiences. This makes it much harder for skippers to recognise the abuses or criminal 'monster' legally caricatured in the *Serenity* case. Among those that discussed the case, it was telling that the community appeared to know of the skipper's reputation and that some of his behaviour, while not condoned, was not necessarily recognised as serious.

Well, there was a skipper who was up in court, just a few months ago, for mistreating [*Serenity* case]. And he's had a reputation for the last 20 years, I mean, a nasty piece of action. So, he should've been, there should have been a law too, to know that he's banned from taking any foreign crew... I don't know what happened, but the Filipinos went up to the police and reported assault. (Skipper 'Adam' 50-60).

He was a kind of dinosaur skipper who treated everyone [like that] no matter what their religion, or where they came from, that was just him and he was fined I think £3,000 for his actions....Yes, he was like 60-odd kind of years old. (Skipper 'Paul' 40-50)

Gordon is older than me, Gordon is nearly 60, the guy who was charged with that, but he has been a skipper since he left school. He's been a skipper, he's learnt it. He has never had any problems in the past, and then suddenly, he's a bad guy. Now I am not even going to believe that. Again, because I know him pretty well, and I know he's not a bad guy. Shouting, hot-headed, for sure, definitely he is. He is that kind of guy. But he is a top skipper and I expect he knows [what] he's doing. This is a guy that has had four boats, been in charge of hundreds of guys over his lifetime, and nobody has ever [said anything]. At 60 years old! You would think back in his 30's he would have been kicking folk about, but not today if he is 60. (Skipper 'George' 50-60)

To better understand this apparent nescience among skippers, we need to explore how the socio-cultural organisation of fishing filters the way practices and relationships are interpreted locally. This also requires recognising how migrant crews own strategies for negotiating precarious employment can frustrate the existing protections.

### **Socio-cultural barriers to protecting crews from mundane forms of coercion and control**

We have identified five socio-cultural barriers that hinder recognition of micro-disciplining, verbal and psychological abuse. Some of these originate in the ways host fishing communities frame working relationships. But others are driven by overlapping crew insecurities, particularly hyper-precarious employment conditions that cause migrant fishers to adopt strategies to secure repeat employment.

### ***Navigating the precarity of work in North East Scotland***

Among the non-EEA migrant fishing community, finding a ‘good’ boat was a key preoccupation. A ‘good’ vessel was described through economic terms (good wages and bonuses) and respectful treatment, without constant ‘shouting’. Even boats with a relentless workload, such as those that used a second relief skippers to keep the boat fishing continuously, were considered ‘good’ if the bonuses and treatment was good. But as fishers explained, the boat you ended up with on the first time was often a matter of chance. Those that found themselves with ‘bad’ vessels would complete their contract but try to secure return employment with a new vessel prior to leaving. Friends and family already in the industry helped significantly by identifying ‘good’ skippers to approach and/or making recommendations on their behalf. Skippers also engaged in seeking recommendations for ‘good’ crew (generally hard workers, with good communication skills, who understood the work) and some offered bonuses to encourage the return of experienced crewmen. In one case the skipper asked the potential crewman (a current fisher’s nephew) to have all his paperwork and medical health check completed in the Philippines and then made the request through the crewing agency. However, the frequency of such request, the various, potentially diverse ways request are made, the impact in sending countries, or the degree of influence crew themselves have in making request were beyond the scope of this research. There is undoubtedly a pressing need for further investigation into how crewing agency relationships are navigated across both host and sending countries, particularly as there is some evidence pointing to irregularities and illegal agency practices (see Turgo 2021:14).

For non-EEA fishers in Scotland, the insecurities associated with finding ‘good’ employment vary depending on how long they have been working locally, their experience, and access to social networks. Those that are newly arrived are often most vulnerable to both exploitation and poor working conditions, particularly if they are isolated from accessing knowledge and navigating employment opportunities found through local migrant fisher networks. Filipino crew told us that new arrivals did not always understand their entitlements and were sometimes sent home without compensation even after they had completed their probationary period. Once engaged in local fisher networks, older, more experienced crewmen said they could explain these contractual details to newer fishers.

The significance of sourcing a ‘good boat’ when combined with the precarity of renewing yearly contracts, makes challenging employment issues a risky practice, even for long returning crew. Rumours circulated in the Filipino community, that a fisher who had taken pay slip concerns to his skipper had not received a bonus since. Another explained he did not dare ask about recent tax changes on his payslip, for fear of upsetting his skipper who was ‘a good man’ and paid him well. Rumours also circulated that the principal complainants of the *Serenity* case had not been able to find a new boat. Such rumours caution crew against coming forward to complain or query issues, but their fears may also be well founded. In Ireland, Murphy (2017) warned that “in a relatively small industry in which the employers are well networked, employees who raise labour law issues may find it difficult to gain alternative employment in the sector” (p426); and in the New Zealand *Shin Ji* case, the crew that fled their employer were dropped from the manning agency (Simmons and Stringer 2014: 78).

### ***Skipper authority, responsibility, and non-interference***

The way fishing is organised and the accompanying expectations about responsibility and appropriate behaviour shapes how forms of control are obscured. Large offshore fishing vessels are hybrid spaces in that they are both workplaces subject to regulation and inspection, and domestic

spaces where crew eat, sleep and rest together. When combined with a fishing identity built on a fierce sense of autonomy that is resistant to surveillance and intrusion (Ross 2015), vessels function like the private realm – as largely invisible spaces where the authority of the skipper is absolute. Even when family members work together, the skipper’s authority supersedes all prior social relationships, be they father, brother or son, allowing the skipper absolute command of his crew – when they work, eat, and sleep (Menziez 2008). This distinction is built into the spatial distribution of the vessels, with crew designated to deck and crew quarters, and the skipper in the wheelhouse, observing practices through cameras.

The combination of crew invisibility, close quarter living, and employer’s absolute control over living and working environments, make non-EEA crews vulnerable to types of coercion, such as withholding food and excessive working hours, experienced by migrant workers in similarly invisible settings (See Varia on domestic labour, 2001). Allusions to this emerged in discussions among the friends and relatives of fishers within the local Filipino community.

Respondent 1: Sometimes if they are never catching a lot of fish, they never eat supper. One guy says you need to catch a lot of fish before we have a meal. We need to catch fish before we eat.

Respondent 2: Danilo<sup>6</sup> said there was one day they were fishing non-stop because they had to catch a certain amount of fish.

Non-EEA crew, skippers and industry officials all recognise that working patterns onboard are frequently dictated by elements outside of their control, for example catches must be dealt with when the nets are full. The problem is this reality makes it much easier for *deliberate* abuse, in the form of withholding food or excessive working hours, to be obscured or dismissed as complaints about the very nature of fishing work. To successfully *hear* serious complaints a mutually recognised threshold must first be established to define normal and abnormal working practices.

While the absolute authority of the skipper creates vulnerabilities for migrant crew, it also entrenches a skipper’s absolute responsibility for crew lives.<sup>7</sup> This social and moral obligation frames the way skippers interpret what counts as appropriate behaviour on board.

This is not a normal job. You are on a fishing boat, you are responsible for five guys lives, and you can’t run that boat yourself. You are dependent on your crew to do it. And if they are refusing to listen [...] putting themselves, and the rest of the crew on the boat in danger, what do you do? Do you take them aside and have a 20 minute conversation with him, when your boat is a liability and the rest of your crew are losing their life? Or you should blow the wind out of him and say, “get the fuck out of there because you are fucking a danger to everyone else”. If he takes it bad and says you are a bad man, well you are not a bad man. You are protecting everybody else on that boat. And that is where it’s at.” (Skipper ‘George’ 50-60).

Fishing has been identified as the most dangerous occupation in the UK<sup>8</sup> and many skippers have personal experience of losing friends and relatives. Across the industry, we repeatedly heard that

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<sup>6</sup> Name has been changed

<sup>7</sup> Indeed, reports about accidents at sea frequently specify that it is the responsibility of the skipper to closely monitor and supervise crew, regardless of how experienced the crew are. See for example, MAIB (2021a) on the fatal accident of an Indonesian crewman on the Olivia Jean in Aberdeen.

<sup>8</sup> The annual MAIB report for 2018 pointed out that while an average of 6.44 fishermen fatalities a year in the UK industry (from 2010 to 2018) may appear low, when this is adjusted to show deaths per 100,000 workers,

what a skipper does at sea, including grabbing or ‘shouting’ is *always* justified because responsibility for crew lives ultimately falls on the skipper. Skippers framed their own actions, and those of other skippers, through this lens of risk and responsibility, often drawing on their own early experiences in the industry to question ‘outsider’ understanding of fishing work when claims of abuse are made.

“I started on fishing back in the 80s, right, and if he was wrong, somebody would tell him he was wrong. If he was a fucking prat, you would say he was a fucking prat. If he had wanted a kick in the arse, he would have got a kick in the- but it’s learning you, right...I do think there are a quite a few skippers out here that are hot-headed and such, but that’s a fishing life. This isn’t a normal job; people ashore need to understand. This is not a factory...When you are skipper, you are in charge of this whole empire, right? But your upmost thing is crew safety, right? And boat safety. And you see things that they [crew] are doing and if you are still looking in a camera, and that is really what you are doing, you are looking at cameras because you can’t be everywhere. And you see somebody that is, if something breaks, and it is going to kill him, and you run down and you take hold of him, and you pull him out of the way, are you a bad guy? According to them, you’re a bad guy. Because, oh he hit me. No, I didn’t hit you, I pushed you from the road from getting fucking killed. That is what I did. (Skipper ‘George’ 50-60)

This socio-cultural triumvirate of skipper responsibility, absolute authority, and a fisher identity fiercely proud of its autonomy and independence, renders invisible mundane forms of control and coercion, such as verbal or micro disciplinary abuse. It also maintains an industry wide aversion to interfering with another skipper’s boat. As one skipper acknowledged:

Well, they are at sea and nobody is looking. I mean the skipper is the boss of the boat you understand. He runs it the way he wants. (Skipper ‘Adam’ age 50-60).

Consequently, responsibility for reporting skipper behaviour is deferred. As reactions to the *Serenity* case illustrated earlier, in such a small fishing community<sup>9</sup>, skippers know each other, even if not personally. One skipper acknowledged that within the community they know who the “rouger” skippers are, but suggested it was up to agencies to resolve. He believed Filipino crew returning home would report skippers to crewing agencies and they would stop sending crews to those vessels. He mused that most skippers realised how valuable Filipino crew were for the prosperity of their boats.

I mean, there’s always a few bad eggs but the majority of skippers look after their crew really well. (Skipper ‘Adam’, 50-60).

Open secrets about abusive skippers demonstrate a community reluctant to take collective responsibility for the treatment of non-EEA crew. This reluctance to interfere, when combined with the invisibility of migrants living and working on vessels, significantly increases the vulnerability of migrants despite protective legislation. While skippers may frame behaviour through responsibility for the lives of *their* crew, this obligation is not currently extended to migrant crewmen on other

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fishing at a rate of 62 fatalities per 100,000 workers considerably surpassed the second most dangerous UK profession, recycling, with a rate of just 10.26 fatalities per 100,000 workers (MAIB 2019). However, while 5 fisher deaths were recorded for 2019, in 2020 this number had dropped to just 2. It is still too early to tell if this reduction represents a new trend but it is possible that significant improvements to safety and campaigns are beginning to have an impact (MAIB 2021b).

<sup>9</sup> In 2020, one hundred and thirty-nine vessels over 10m were registered to the Fraserburgh and Peterhead district (Marine Scotland 2020).

vessels within their community. Deferring responsibility to ‘agencies’ also reveals poor awareness of the precarity of non-EEA crew employment, and how complaints to crewing agencies may jeopardise a migrant fisher’s prospects.

### ***Familial relationships and paternalistic patterns***

Fishing crews have historically been likened to a ‘family’ of brothers, where relationships are “forged in a process of work that is both intimate and intense” (Menziés 2008: 21). Although skipper authority is clearly delineated, the success and survival of the boat is dependent on establishing crew solidarity. Yet, while the language of kin continues to be used, the terms of reference have changed with the shift to non-EEA crew.

Among Filipino crew, ‘family’ is indicative of a positive experience. “[On my vessel] they treat us like a family, unlike on other boats where they treat like a slave.” Crew talked of skippers who went out of their way to pick up Filipino food and gave examples of extended family-like relationships. For example, a young crew man, recently diagnosed with cancer, described how his skipper ensured he received full treatment and medication and offered to house him at his own home. Although this was declined, the skipper’s parents would visit regularly when the skipper himself was out at sea. While the familial solidarity of the crew experience is often invoked by crew, skipper descriptions tended to be more paternalistic.

When explaining differences in wage structures, the security of a guaranteed regular income was often contrasted with the uncertainty of the traditional share system. Lower wages were justified with reference to their equivalent worth in countries of origin, and absence of the bills faced by local men. Skippers frequently interpreted their role as benevolent, describing the life changing opportunities employment brings to their crew and extended families.

They like the wages that they get here. It’s just nothing to what they would make over there. ‘Samuel’ is 58, he’s been with us the longest and he says he’s put both his sons through medical university in Ghana and his daughter’s learning to be a solicitor. And he says, if he hadn’t been over here, he wouldn’t have been able to do that. (Skipper ‘Paul’, 50-60)

More patronizing view were also common.

I’ve got crew with me who are now building new homes and their families are at school. And to me I see that as a positive, because I’m now taking a third world country and raising its standard. Coming here we’re skilling them. And then at some point they will take that skill back to their homeland.” (Skipper ‘Henry’, 50-60)

Non-EAA crew are active in forming these sentiments. They frequently update skippers on the progress of their children, nieces and nephews, and the buildings of homes or businesses, made possible through their employment. In this way, migrant crew actively establish a moral meaning to the relationship between employer and employee, effectively ‘kinning’ skippers into an extended form of patronage that buffers contractual relationships against easy dissolution.<sup>10</sup> Nonetheless, paternalistic framing of employer-employee relationships can increase crew vulnerability to harm. As one skipper, describing what appeared to be absurd comedy of errors, exclaimed:

“I am thinking I’m working with children sometimes”. (Skipper ‘Jack’, 30-40)

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<sup>10</sup> Recent studies of migrant care worker have looked at the affective aspects of work and kinning processes to problematise the classical definition of an employer–employee relationship devoid of emotional ties. Baldassar, Ferrero and Portis (2017).

Given the difficulties of language and their dependency on vessels, it is easy to frame non-EEA crew as 'like children'. When crew are viewed as children it becomes easy for disciplining practices to creep into relationship and rights to be ignored in favour of paternalistic decision making about 'what's best'. The child analogy exposes the asymmetric, dependent position of non-EEA crew. Something that is new to skipper-crew relationships onboard.

In boats crewed by all Scottish crew, relations have tended to be flatter and while language may be coarse, there is no evidence of the types of micro-disciplinary practices found among migrant crewed boats. Indeed, Ramsay (2004), writing of Shetland fishers in early 2000, suggested the spirit of autonomy was encouraged in rookie crew training through the provision of scaffolded opportunities to develop fishing-related skills for themselves and learn their own ways of doing things (2004: 228). Today, a similar attitude to enskiling autonomy is evident in family boats, where a skipper will allow his son to make his own decisions and mistakes as part of his skipper training. In contrast, Gustavsson and Riley (2018) found that when women and girls participated in fishing, they were seen as 'help' rather than trainees, reduced to submissive roles and being ordered about on board (p227-228). The treatment of non-EEA crew, particularly when one considers the emergence of micro-disciplinary practices, appears to echo the same denial of autonomy and equality afforded to women onboard. This differentiation in treatment suggests an infantilization of working relationships and inevitably shapes what is considered acceptable in skipper-crew interactions. In interviews with retired skippers, the narratives of responsibility used to justify a skipper's absolute authority are tempered by overseeing what were perceived to be competent men. In contrast, similar justifications, when applied to an infantilised crew with poor language skills that are seen as dependent, less autonomous, and less self-assured, can justify far more patronising restrictions, disciplinary practices, or dismissal of their complaints in the name of reducing risk or making more competent decisions on their behalf.

While the family analogy is still used in fishing, the sense of equally shared endeavour and risk, which was once epitomised by the share system of pay, has changed with the arrival of a *waged* migrant under-class. That the language of family remains unchanged, serves to obscure not only the infantilization of migrant crew, but also their far more vulnerable position. Local crews on a share system benefit from a percentage of the catch and can leave at any time. In contrast non-EEA migrant crew are less able to challenge or leave abusive environments without risking future employment or bonuses which are at the skipper's discretion. The lived experiences of non-EEA crew and resulting vulnerabilities are inevitably very different from what was once experienced by home crews.

### ***Cultivated subservience as strategy for employability***

Filipino seafarers are often 'preferred' employees because of their alleged 'service culture' (Galam 2019: 591) and have been marketed by the Philippine state as reliable, hardworking and 'willingly sub-servient' (McKay 2007: 624). This cultivated image has allowed them to dominate the market of the lower levels of seafaring jobs (Galam 2019), where they now represent one of the largest origin countries for supplying international maritime workers (BIMCO & ICS 2015). This trend is reflected in their dominance crewing North East Scottish fishing vessels, where skippers and fishing industry officials similarly described them as unproblematic:

"By and large, the Filipinos are quiet, gentle and happy. Work ethic is excellent, and they are just here to improve their lives." (Skipper 'Henry', 50-60)

Filipino crew are often presented as filling a gap, where their hard work and lack of complaint is contrasted with the unsatisfied, 'snowflake' generation of locally available young men.

But as Galam's (2019) work on Filipino men working for ship manning companies demonstrates, docility and servitude is a *cultivated behaviour* (not a cultural trait), adopted to survive in a difficult industry. Silence becomes a "virtue and strategy of keeping out of trouble and ensuring employability" (2019: 589). Subduing emotions and keeping quiet even when furious, was seen as good training by agency managers who believed that seafarers who reported abuses and irregularities would find it hard to get new contracts (2019: 588). In North East Scotland, the same cultivated behaviour is used by crews to persevere to the end of their contracts even if maltreated, preferring to keep their head down and not complain or cause trouble, as a strategy to ensure repeat employment. But in the direct speaking, and dangerous, fishing industry of the North East this strategy is an ill fit, causing communication breakdowns and skipper frustration.

### ***Expectations and communication breakdowns***

Scottish skippers experience the cultivated silence to keep your head down, as passivity and an unwillingness of crew to admit they do not understand – something skippers find both frustrating and dangerous.

You know, they [Filipinos] don't like to ask questions. They'll tell you they understand when they don't really understand which really frustrates you more because, just for instance you'll ask them for a hammer, and they'll go and come back with a brush [laughs]. No, we've actually seen this happen, it's more frustrating. And we tell them, "If you don't understand, say you don't understand, and we'll explain it again." But instead of asking the questions, they just go and do something totally random..." (Skipper 'George', 50-60)

It is very easy to see how references to migrant crew being like children emerges in this context. Filipino crewman, Hector, recognises how cultivated passivity and unwillingness to speak is particularly problematic in a dangerous industry.

If you are a good worker, the skipper is very bad if they are shouting all the time. But if they are shouting all the time because you are not following the job, what I say is "Tell the skipper if you don't know. Don't do the job if you don't know" ...Communication is the first problem. If you are good worker but you don't know what they're saying, it's useless. You must communicate with your skipper. It is a dangerous job. (Hector, Filipino crewman).

Having served for many years with the same skipper, Hector has adapted to the expectation of direct communication that better matches what is locally respected. He has learnt the local slang and dialect, and is outspoken, frequently translating between skippers and crew on his own and other vessels. Hector explains that communication problems arises partly because what seems obvious to Scottish skippers is a foreign language to Filipino crew.

Some skippers can speak English but it's mostly Scottish. My English is not very good, but I can speak Scottish very fast...Because I told the skipper I'm a Filipino, you must teach me to speak your language... Start with the beginning, same as going to school. How are you? Like 'Fit your deen'- what are you doing? I don't know, or something like "I did na keen" "I keen na di na". I cannot do that. (Hector)

Crew arriving with passable English, inevitably find they are unable to understand Scottish terms, regional dialects or slang. Scottish skippers demand basic 'English', but there is little recognition that what is spoken onboard is heavily accented, often coarse Scots. Filipino crew told us that an

opportunity to learn local terms would greatly ease the frustrations and communication conflicts that frequently occurred onboard.

Language training in local and industry specific terms would facilitate an immediate improvement to crew experiences by diffusing sources of conflict and frustration. However, the miscommunications described in this paper go beyond simple language barriers. Firstly, there is a dissonance between what skippers appreciate in crew (more direct and frank communications) and the cultivated silences crew believe facilitates future employment. Secondly, there are no mutually agreed terms to describe when crew treatment veers from the locally accepted shouting or physical ‘grabbing’ that accompanies noisy, dangerous work, and into verbal and psychological abuse. Consequently, claims of maltreatment cannot be heard because the language does not exist to sufficiently distinguish abuse from the coarse language, ‘alpha male’ behaviours and narratives of risk and responsibility that frame local fishing practices. This creates a cultural and procedural blind spot within the fishing industry that leaves crews vulnerable to harm.

Although skippers were aware of the risk migrant crew faced from trafficking or bonded labour, there was little understanding of the broader insecurities that could compel migrant crew to endure abusive or exploitative practices in silence. This is not completely surprising given the past industry and legislative focus on bonded labour, where the narrowly defined forced/voluntary, free/unfree binaries leave little room for discussing the subtleties of coercive and exploitative labour relations. It does demonstrate however, a pressing need across all levels of the fishing industry, to better understand the multiple barrier that prevent fishers accessing available protections. As our findings have demonstrated the intersection of precarious, contractual employment and transit visas, with ethnicity and language barriers, makes migrant crew experiences radically different to previous generations. When this is combined with a largely invisible crew, a fierce sense of skipper autonomy, a reluctance of skippers to interfere in each other’s vessels, and a crew unwilling to risk future employment by speaking out, then tackling micro-disciplining or verbal/psychological abuses that are already difficult to prove, becomes almost impossible even though legislative protections exist.

It is important to recognise that the socio-cultural barriers identified by our research are emergent responses to changing work conditions rather than immobile, cultural barriers. Filipino crew’s docility and lack of complaint can be understood as a *cultivated behaviour* to secure employment rather than a cultural trait. Likewise, within the fishing industry, references to alpha male industries, risk and responsibility, are used to imply conflicts between skippers and non-EEA crew emerge from a clash with a continuous, ‘traditional’ fishing culture – that treatment on board has always been like this and it is not suited to everyone. In reality, the ways non-EEA crew are treated, the infantilisation of skipper-crew relationships that enable micro-disciplinary practices to go unchallenged, represent socio-cultural shifts in working relationships as a response to changing labour practices, namely the shift to non-English speaking, more dependent, more restricted, waged crews. Understanding the evolving nature of what is often presented as a reified culture is important to identifying avenues for change.

## **Discussions and Conclusions**

The local, socio-cultural fishing practices and attitudes of host communities, when combined with the overlapping insecurities of migrant fishers, can create barriers to safeguarding non-EEA fishers through protective legislations alone. While serious abuse within North East Scotland’s fishing industry appears to be low, the heightened vulnerability of non-EEA crew to more mundane forms of coercion and control remains high. Recognising and responding to the way in which the socio-cultural practices of fishing intersect with changing labour practices to obscure the expression and



identification of abuse, can help fishing industries mitigate against these vulnerabilities now and into the future.

The UK fishing industry has already begun to improve crew protections and welfare. The adoption and implementation of ILO 188 has increased oversight of basic standards of employment and clarified skipper/owner responsibilities. In March 2021, responding to years of industry campaigning, the government announced 'deckhands' would be eligible for the Skilled Worker visa (Fishing News 2021). These visas confer additional protections and will improve welfare by allowing crews to be rested on shore – something skippers themselves have repeatedly asked for to improve safety and reduce onboard risks. It is still too early to understand how changing visa status will transform skipper-crew relationships, or impact on the precarity associated with short term contracts, or even if Transit Visas will become obsolete.

Individual organisations have also taken direct steps to improve crew protections. In August 2020, the Scottish White Fish Producers Association (SWFPA) created their own crewing agency to better ensure basic employment standards were being met and directly monitor relationships with sending agencies around the world. They have also created a welfare liaison officer, to address issues raised by both crew and skippers before they escalate.

However, the fundamental socio-cultural barriers that prevent micro-disciplinary, verbal, and psychological abuse being recognised within the Scottish fishing industry, are yet to be addressed. To do this, crew rights need to be vernacularised by making them locally and culturally meaningful. Initially this requires recognising the multiple insecurities that prevent crew coming forward and addressing how employment structures and complaints procedures are organised to make right protections more accessible. But it must also address the infantilisation of crew as less capable dependents, that distort the way their treatment is viewed. We have identified three distinct areas where the fishing industry can make changes to address the structural conditions and socio-cultural barriers that prevent mundane forms of abuse being fully recognised. These recommendations are not prescriptive but intended to demonstrate how change can be facilitated and to open up industry discussion.

The first step requires tackling the issues caused by inequalities within the current employment system. This should include pushing for change of the fundamental causes of hyper-precarity and hyper-dependency that makes non-EEA crew vulnerable to maltreatment and unwilling to risk future employment by raising complaints. Steps should involve continued lobbying for changes to visa requirements and exploring how improvements could be made to length of contracts and use of crewing agencies. Trust in complaints procedures also needs to be strengthened by actively recognising and responding to non-EEA crewmen's precarious status. This needs to include visibly demonstrating that crew are not penalised for seeking assistance and actual change can and does occur. This will go some way to counter the circulation of rumours about lost bonuses and contracts among non-EEA crew which make crew reluctant to come forward. Finally, providing language training in the local Scots dialect, as well as industry terminology, labour rights and contractual obligations, would reduce skipper-crew frustrations, allow crew to better articulate problems when they arise and better equip them to demand fair treatment.

The second significant change needs to occur in how skipper-crew relationships are viewed. Simply 'educating' crew to the existence of their labour rights does not in itself guarantee those rights will be recognised and protected. To be successfully used as a tool for claiming fair treatment, rights must be *vernacularised* (Merry 2006) by making them meaningful as a concept and practice among both skippers and crew. While this may initially begin with campaigns that distinguishing the line

between acceptable crew-skipper behaviour and abusive treatment, such campaigns will be ineffective unless the socio-cultural narratives used to interpret skipper-crew relationships are addressed. Without making these fundamental changes, industry officials, liaison officers and others, despite good intentions, will remain blinkered to the existence of mundane controlling or coercive practices and their role in helping to prevent them. Most immediately, change requires establishing community wide recognition that non-EEA crew are in a more vulnerable position than previous crewmen, where overlapping insecurities prevent them from speaking out or leaving abusive employment. Campaigns would also need to work with the risk and responsibility narratives that frame and justify skipper behaviours, acknowledging a skipper's ultimate responsibility for crew lives but clarifying the limits of acceptable behaviour in meeting those responsibilities. Furthermore, attempts should be made to distribute responsibility for crew-welfare throughout the industry so skippers, industry officials and all those associated with the industry feel morally compelled to report rather than ignore 'open secrets' about 'rougher' skippers.

Most importantly, non-EEA crew need to be recognised as competent, highly skilled, autonomous, adults. We found the patronising, infantilising tendency to view their complaints as simple 'misunderstandings' throughout the industry. While improving language competency may go some way to addressing these issues, significant changes are needed in the way non-EEA crew voices are heard within the industry. While the time spent at sea, short contracts and prolonged periods at home inevitably pose a challenge, more needs to be done to encourage migrant crew representatives and consultations that actively recognise them as contributory members of the industry. More formalised bodies such as unions may well help to change the way non-EEA crew are viewed within the industry, but only if membership is able to reflect the very different working practices and relationships found onboard fishing vessels. Ultimately 'education' campaigns are not enough, without taking practical steps that demonstrate a changing attitude towards non-EEA crew.

Finally, the third area of change is to strengthen non-EEA crew's access to social safety nets through activities provided by formal and informal non-government organisations that facilitate the development of social support networks. In an industry when so much of fishers' lives are controlled by their employers (where they sleep, what they eat, the work that they do), the wellbeing benefits of forming social networks and spaces outside of the fishing industry to access new ways of thinking about their situation, should not be underestimated. In Fraserburgh, the weekly service at the Filipino church provided a welcomed social space to congregate with others, escape from the boats for a few hours, and find emotional support and practical advice. The Fishermen's Mission also provides a freely accessible communal space, organising festive meals at Christmas, and helping fishers access support services. These meeting spaces provide opportunities for the local migrant fisher network to share information and experiences about contractual rights and 'good/bad' vessels, which can be particularly valuable for new or isolated fishers. Networks are also used to navigate the uncertainty of the current recruitment system by securing a vessel with a good reputation before finishing the current contract.

Both formal and informal social organisations have been shown to play a significant role in mitigating the vulnerabilities of overseas workers by reducing isolation and increasing access to services, support networks, and rights information, through kin and friendship networks (Varia 2011; Yeoh et al. 2020). There are potential benefits then to encouraging the development of recreational and/or cultural activities, spaces and events that can facilitate fisher access to these protective networks. Despite the efforts of the Filipino Church and the Fishermen's Mission, there remains few recreational provisions, social groups or outreach activities targeting migrant fishers locally. Certainly, the irregular hours of fishers and the limited time on shore, has hindered these

developments. But with the recent inclusion of deckhands into the skilled worker visa category, crews will potentially be able to spend more time on shore, increasing the scope for targeted provisions seeking to improve crew welfare and access to support and information. There is great potential then for local social networks to be further developed and used as a channel for improving crews' understanding of their rights, and for better consultation and sharing of grievances directly or indirectly with the industry.

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