

# FISHING SAFETY AT SEA

POLICY BRIEF NO. 22 - DECEMBER 2023

## OVERVIEW

- Fishers comprise the overwhelming majority of seafarers around the world, making it imperative for industry and government to prioritise action to ensure their health and safety.
- A variety of laws and regulations in the UK, implemented primarily by the Maritime and Coastguard Agency (MCA), are designed to ensure the safety of fishers. However, some organisations and individuals working on safety in the fishing industry have raised concerns that current regulations do not consider the unique nature of fishing operations and risk creating undue burdens for the industry.
- The APPG on Fisheries has heard examples of industry-led initiatives to support fishers in implementing safety management practices and embedding a culture of safety. The Seafarers' Charity, the National Federation of Fishermen's Organisations (NFFO) and the Fishing Industry's Safety and Health (FISH) Platform are among the organisations collaborating to deliver these initiatives.

### **Key recommendations for policymakers to support the industry's work to fully achieve a culture of safety are as follows:**

- Regulations and standards mandating safety infrastructure and practices should be appropriately designed for fishing operations in all their diversity.
- The auditing of fishing vessels should be appropriate and effective.
- More emphasis should be placed on safety management practices and working to embed a culture of safety, over a more historical focus on adding more safety "hardware".
- Effective funding mechanisms should be put in place to help fishers afford improvements.

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## BACKGROUND

Globally, 24 out of every 25 seafarers are fishers. Fishing can pose significant physical risks in comparison to many other livelihoods at sea and onshore, with a conservative estimate of around 24,000 fatalities worldwide per year (1). The need to improve safety standards and practices is therefore crucial. This is no less true in the UK, with 89 casualties including 10 fatalities recorded in 2021 (2), and 65 casualties including three fatalities in 2022 (3). While the number of recorded fatalities and severe injuries has fallen over the last 20 years, demonstrating that lessons are being learned by the UK fishing industry, much room for improvement remains.

This briefing synthesises discussions from the APPG event 'Fishing Safety at Sea', sponsored by The Seafarers' Charity, on 24 October 2023. A recording of this event is available (4). Where additional sources have been consulted in producing this briefing, citations are provided.

### The Seafarers' Charity

The Seafarers' Charity has been improving the lives of seafarers and their families since 1917. The five long-term outcomes that the charity wishes to achieve for seafarers are: enhanced financial resilience; better working lives at sea; improved health and wellbeing for seafarers; increased social justice; and, safer working lives at sea. It works to achieve these through grant-giving and fundraising, and through funding collaboration, research, and advocacy to tackle the root causes of seafarer hardship and disadvantage in the UK and around the world. Among The Seafarers' Charity's most recent activity, in July 2023 it formalised a new partnership with the NFFO to collaborate on various initiatives to improve fishing safety (5).

## HOW SAFETY CAN BE IMPROVED IN THE UK FISHING INDUSTRY

### Regulations and standards need to account for how fishing vessels operate

In January 2019 the UK ratified the International Labour Organization in Fishing Convention (ILO C188), which requires that all fishers have decent working conditions onboard fishing vessels which meet minimum safety requirements (6). Most legislative changes to implement ILO C188 were introduced by November 2019 (7), in part via the Fishing Safety Management Code (8). The MCA, which has responsibility for implementing ILO C188 in the UK, also sets out other national requirements and guidance for health and safety onboard fishing vessels (9). This includes the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (10) and the Codes of Safe Working Practice applying to vessels shorter than 15 metres, between 15 and 24 metres in length, and over 24 metres in length respectively (9).

In spite of the range of requirements and guidance applicable to UK fishing vessels, the industry has expressed concern that these do not adequately account for the nature and diversity of fishing operations and vessel lengths in the UK fleet. Fishing at sea is fundamentally different to any other kind of commercial seafaring; for example, crew must regularly move around on the deck, and additional weight is taken on while at sea. Work on small vessels with crews of only one or a few fishers is also extremely different to that undertaken on larger vessels.

Vessel stability, a key determinant of whether a vessel is at risk of capsizing or not, provides an example of the need for regulation to be tailored accordingly for the different vessels and operations it applies to. Research by the NFFO and Southampton University's Wolfson Unit (supported by The Seafarers' Charity) indicates that current legislation meant to ensure that fishing vessels under 15 metres in length have adequate stability

may actually increase the risk of capsizing (11), by requiring vessels 'to be modified beyond their intended design even if they were already being safely operated' (Charles Blyth, speaking at the APPG event). These findings will be taken to the MCA upon completion of the research. Bearing in mind the risk of regulations being poorly-designed, one speaker at the APPG event warned that not only could such regulations fail to meet their intended purpose, but could also feed a culture whereby future regulations are neither trusted nor given credence by the fishers who are expected to comply with them.

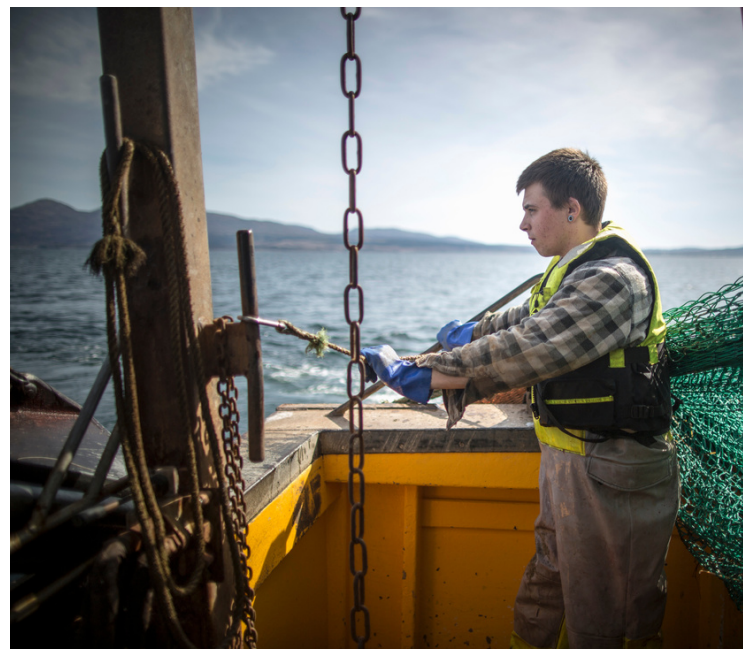
### Project showcase: FISH Platform

The FISH Platform was formed in 2012 after leading members of the fishing industry identified the need for better cooperation between countries to ensure continuous improvement of the safety and health of fishers across the world. It currently has 94 participants in 27 countries. Its long-term goals include that all fishing vessels apply international baseline standards for safety and contribute to supply chain transparency and accountability. Among its achievements so far is the creation of a syllabus to support fishers in completing training required under the IMO's International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). (12)

### Ensure that the inspection and auditing of fishing vessels is appropriate and effective

The APPG on Fisheries heard that the inspection and auditing of vessels to ensure compliance with legislation and established safety management practices must also account for the specific context of fishing, as well as for variation in vessel size. Inspection regimes should be designed to focus on key areas of risk, such as use of Personal Flotation Devices (PFDs) and functioning of lifting equipment. Additionally, where carried out by different government agencies for different purposes – for example, by the Marine Management Organisation (MMO) for fisheries management – a system should be in place to enable any safety issues noted during other inspections to be raised to the MCA. The MMO and MCA should consider combining some of their spot check inspections of fishing vessels which could identify both safety and fisheries management issues.

Further, MCA surveyors should have specific experience of fishing vessel design and operations, or otherwise be given adequate training to inspect fishing vessels. Without this experience or knowledge, the inspection regime for vessels under 15 metres can result in MCA surveyors inappropriately applying the same standards and regulations which are applied to large commercial vessels.



## Focus more on safety management practices

The consensus among speakers at the APPG on Fisheries' Fishing Safety event was that there are limits to the safety afforded by the mandated use of specific equipment or vessel modifications. Further, fisheries management regulations around licensing and quota conditions have been observed to drive some owners and skippers to use smaller vessels while catching similar quantities of fish which, in turn, can increase the risk of capsizing. Such issues could be mitigated by policymakers placing greater emphasis on safety management practices – ensuring vessels are operated safely and developing a culture of safety across the industry.

***“Vessels may comply with hardware [regulations], but that doesn't necessarily mean they are being safely managed.” – Nigel Blazeby, trustee at The Seafarers' Charity***



Drawbacks of focusing on the design of vessels may also apply to focusing on the health of fishers rather than on how they carry out their work. As of 30 November 2023, all non-seasonal UK fishers are required to have a certificate of medical fitness (13); the MCA granted an extension on 29 November 2023 allowing seasonal fishers not working over the winter to obtain their certificate by 30 April 2024, in part to make it easier for them to access GP appointments in time (14). The MCA has introduced the requirement as part of its phased implementation of ILO C188. Grandfather rights (GFR) have been offered for fishermen who have existing medical conditions but are fit to continue working, provided this does not put themselves or others at risk (15). However, the requirement has caused significant anxiety across the fishing industry, in particular the possibility that some fishers who are older or have a high Body Mass Index will be forced to retire early (16, 17). Several Parliamentary members of the APPG on Fisheries also hold this concern for fishers in their constituencies. Other criticisms from the industry of the requirement include that:

- It represents an overly-stringent interpretation of ILO C188, given there is a lack of evidence that poor health has led to injuries or fatalities among UK fishers.
- Fishers had limited capacity to engage meaningfully in consultation.
- Some fishers have struggled to obtain the necessary appointment with their GP (18).
- As of August 2023, some fishermen were still unaware of the requirement and the deadline to obtain a certificate. (18)
- Some fishers granted certificates on the basis of grandfather rights have had restrictions attached regarding lone working, which will render their businesses unviable. (18)

## Project showcase: Fishing First Safety Management System pilot project

Funded by the charity Trinity House, the Department for Transport, and the Marine Management Organisation (MMO), and project-managed by The Seafarers' Charity, this pilot scheme supported 50 fishing vessels in the Southwest of England to comply with the MCA's Fishing Safety Management (FSM) Code. The FSM Code sets out requirements of a safety management system designed to ensure the health, safety, and welfare of crew. The pilot scheme was created in response to the identification of a lack of co-ordinated support and resource for vessel owners and skippers to implement the FSM Code. The pilot project in the Southwest enabled the development of an infrastructure to support the establishment of an auditable safety standard. This included development of an auditing training course for fishing vessels and the training of a number of newly qualified auditors. The fishing vessels that took part in the pilot project are now operating under an auditable FSM Code. The pilot project was delivered in collaboration with participating vessels and an industry steering group. Additional Fishing First Safety Management projects are taking place in Northern Ireland and the North East of England. (19, 20)

The Falkland Islands has been highlighted as an example of best practice. The accident rate in its Exclusive Economic Zone (EEZ) was previously very high, but as of 2021 vessels fishing in the EEZ must demonstrate via an audit that they have an effective safety management system in place. This approach is credited with reducing accident rates such that no fatalities were recorded in the waters of Falkland Islands in 2022. It has been suggested that the UK Government take a similar approach, to ensure that all vessels fishing in the UK's EEZ take responsibility for their safety and avoid putting the safety of other vessels at risk.

A greater focus on safety management practices should be accompanied by a drive to make consultations, regulations, and guidance for fishers more accessible. The industry has drawn attention to the large size of documents and the high level of literacy they appear to demand. It has been recommended that agencies such as the MCA use digital tools to bridge communication gaps where appropriate and feasible, for example the Fathom podcast produced by the Cornish Fish Producers' Organisation (CFPO). Non-government organisations have already responded to the gap in fishers' understanding of the range of regulations they must comply with, and how they may do so, through the provision of targeted guidance; for example, with funding from The Seafarers' Charity, in August 2023 the NFFO released the 'FISH SAFE' film series (21).

A corollary of putting in place stringent regulations for fishing safety management practices on UK fishing vessels is that policy is also needed to ensure that the UK seafood supply chain does not import seafood from countries where fishing safety standards are lower. This would ensure a fairer playing field for UK fishers and help to incentivise positive change in fisheries abroad. Another suggestion is that access to quota could be linked to the safety of fishing vessels.

## Ensure effective mechanisms are in place to enable fishers to afford improvements

Safety regulations often entail additional costs for individual fishers. For example, to obtain a medical certificate, fishers must pay a fee which is set by the doctor issuing the certificate (15). Given the often very thin profit margins of some fishing operations – with some smaller boats in the UK taking home £8,000 per year or less – any extra costs such as medical certification can pose an added burden.

There is a clear opportunity for grant programmes to help fishers cope with improving safety management practices onboard. Government schemes within the UK which have recently provided funding for safety training or equipment include the Fisheries and Seafood Scheme (FaSS) in England (22), the Welsh Marine and Fisheries Scheme (23), the Marine Scotland Fund (24), and the Maritime and Fisheries Fund (NI) 2022/23 in Northern Ireland (25). The FaSS is reported to have been particularly important in helping English inshore fishers to comply with new regulations in the past few years. However, support for safety management practices and behavioural and cultural change to support safety improvements has largely been missing from previous government funding support.

***“We are already starting to see a behavioural change in the attitudes and activities of fishermen in the UK... Change can only happen from the inside out.” – Charles Blythe, Risk, Safety and Training Lead at the NFFO***

Non-government organisations have a key role to play in facilitating uptake of government grant opportunities. For example, The Seafarers’ Charity provided funding to Commsave Credit Union in 2021 to enable it to develop bespoke and affordable financial services to UK fishers, fish processors, and fishmongers (26, 27). As government grants are often only payable upon evidence of the recipient having enough money in the bank to make the purchase for which they are applying for the grant, Commsave’s ability to loan match funding has proven vital for those with modest means and a lack of savings. Other organisations such as the CFPO and the Fishing Animateur project (also funded by The Seafarers’ Charity) have taken a lead in informing fishers of both incoming regulations and grants available to help them comply with these.

The UK Government has an opportunity to set a strategy for what improvements can be funded with grant programmes to support safety over a period of several years, rather than just 12 or so months ahead, which will benefit UK fishing businesses deciding on new ways of working and improvements to safety. The FaSS is currently on pause, which illustrates a key issue highlighted with the current government funding landscape: lack of continuity. Pauses of grant programmes or gaps between different programmes can hamper the ability of fishers to ensure they are compliant with safety regulations. It is also the case that UK fishers have lost access to additional funding via the European Union as a result of Brexit (28, 29). As such, the effectiveness of grant programmes in supporting safety improvements could be aided by ensuring that when one ends, another is already in place. The scopes of these programmes should also be linked to policy development aimed at driving safety management practices onboard fishing vessels.

Beyond grant programmes, speakers at the APPG on Fisheries event highlighted the key influence of economics and other broader aspects on fishing safety. The need to keep fishing to make a living may incentivise fishers to take more risks (for

example, by going out in stormy conditions or by taking on larger loads of fish, both factors that affect vessel stability). Displacement of fisheries by merchant shipping, the designation of Marine Protected Areas, and the presence of other fishing vessels can also force fishers to go further out to sea than they would otherwise choose – leaving smaller vessels more vulnerable to sea conditions to which they may be less suited, and forcing their crew to work longer hours, all circumstances which can increase safety risks. The UK Fisheries Act 2020 sets out objectives for post-Brexit fisheries management in the UK (30), which include that stocks are sustainably harvested and that fishing activities bring economic and social benefits to UK communities. Ultimately, successful implementation of these objectives should contribute to improvements in safety in the industry.



## CONCLUSIONS

Alongside government legislation, a complementary collective of initiatives have emerged through the dedicated work of the fishing industry and partners to improve safety for fishers in the UK. This has included grant provision, supporting grant applications, credit union services, outreach, media campaigns, and research.

While accident rates in the UK fishing industry have generally declined over the years, work must continue to embed a culture of safety, both by the industry and policymakers. A key reflection from speakers at the APPG on Fisheries' Fishing Safety at Sea event was that legislation intended to enhance fishing safety has not always been appropriately consulted upon, designed, and implemented. Going forward, policymakers can best support change in the fishing industry through: understanding the specific nature and diversity of fishing operations to ensure that regulations and inspections are fit-for-purpose and do not lead to unintended consequences; focusing on safety management practices as opposed to infrastructural changes and equipment; and, ensuring that funding is designed and delivered in a strategic manner. More broadly, effective and sustainable fisheries management can also help to foster the conditions needed for better safety. Providing fishers, particularly those on smaller vessels, with sufficient access to fishing grounds will ensure they are not forced to take risks at sea in order to make a viable living; while a thriving domestic seafood market will support fishers to invest in equipment, training, and safety practices.

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