Exploitative working conditions for migrant workers in industrial fisheries have recently drawn considerable attention among activists and scholars, often with a focus on Asian fisheries. Even so, fish work can offer a better livelihood option than migrant workers might have in their home countries. These contradictions are apparent in fisheries around the world, including those based in Europe and North America. In this paper we explore the incongruities and patterns of working conditions for migrant workers in Irish fisheries, situating how the global seafood industry relies on a racialised labour force that is devalued to produce raw materials for high-value seafood products, before turning to an analysis of a decades-long campaign to improve Ireland’s legal framework for migrant fish workers. Persistent campaign work illustrates how a multi-pronged approach, including legal strategies and actions to make the injustices in Irish fisheries more visible, is critical to provoking change, even as working conditions remain far short of most land-based sectors in that country.

Key words fishing • labour • migrant workers • campaign work • racial capitalism • Ireland

Key messages
• The global seafood industry relies on a racialised labour force.
• Fish work usually offers much better income than what is available in worker home countries.
• Persistent campaign work in Ireland illustrates that changing working conditions for migrant fish workers is possible.
• Even so, working conditions remain short of what would be acceptable for most land-based sectors.

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Introduction

We met Paulo (a pseudonym) in a suburban neighbourhood in Ireland, where he was renting a townhouse with other Filipino migrant fish workers. Paulo had left his job as a worker on a shrimp trawler a few months earlier and was being supported by the International Transport Workers’ Federation (ITF) in Dublin, Ireland in his legal case to Ireland’s Workplace Relations Committee (WRC) claiming unpaid wages, excessive working hours and discrimination in relation to race. The ITF campaign’s lead had made an access to information request for documents held by Paulo’s former employer concerning his case. In our meeting, we observed how these two men strategised about the specifics of Paulo’s case, including the nature of Paulo’s working conditions aboard a trawling vessel.

We soon understood that this case manifested multiple social challenges for non-European Union (EU) migrant workers in the Irish fisheries. Paulo had experienced daily working hours that far exceeded Irish and EU standards for fish workers (WRC, 2022a) which are already very long at 14 hours per day. His pay did not meet legal minimum wage under Ireland’s Minimum Wage Act 2000. The fishing company had created a racialised hierarchy between workers from the EU on the one hand, and those from outside the EU on the other, through wide disparities in wages as well as general treatment. Finally, his legal status under the temporary worker programme through which he entered Ireland, the Atypical Working Scheme (AWS), tied him to his employer, so that he became undocumented when he left the vessel.

These kinds of challenges are common among migrant workers in industrial fisheries globally (Marschke and Vandergeest, 2016). The availability of a recruitment infrastructure of seafarers from low-wage countries has enabled fishing companies around the world to increasingly recruit workers from these regions (Vandergeest and Marschke, 2021). Industrial fishing mostly takes place outside of national territories in mobile workplaces. This often justifies exclusions from national labour laws that apply on land, sometimes to the point of allowing migrant fish workers to remain effectively undocumented. States that take this approach included the US (GLHRI, 2019) and, until early 2023, the UK (Sparks, 2022). Regulation for working conditions in fisheries remains weak: fish workers are excluded from the widely ratified International Labour Organization (ILO) Maritime Labour Convention 2006 (MLC), which provides wide-ranging rights and protections, and monitoring for compliance, for seafarers in other maritime occupations. Although the ILO Work in Fishing Convention 2007 (No. 188) is intended to compensate for this exclusion: its provisions are limited compared to the MLC; it is not backed by an effective inspection and enforcement regime; and it has not been ratified by most major fishing states (Vandergeest et al, 2021).

It is in this context that the umbrella union for maritime workers, the ITF, has initiated a campaign to organise and support fish workers in a number of countries, including in Ireland (ITF, 2023). In Ireland, the ITF campaign includes concerted actions by fish workers, NGOs, migrant support organisations, lawyers, certain media outlets, academic researchers and people with useful technical expertise (for example, in interpreting vessel-tracking data).

Many of the issues experienced by migrant workers in the Irish fisheries are also prevalent among migrant workers in others sectors such as agriculture (Basok and Piper, 2023). They are often rendered vulnerable by their isolation on farms, in homes...
Migrant workers in Irish fisheries

or at sea, which makes collective action and unionisation difficult, as is monitoring compliance with employment standards such as working hours and workplace safety. Temporary foreign worker programmes often link migrant worker legal status to their employment with a specified employer, so that leaving or quitting a job also means becoming undocumented (see, for example, Goldring and Landolt, 2013). In fishing and agriculture, precarious legal status is often layered onto the exclusion of these workers from specified government employment standards, including those regulating the number of hours of work, overtime, vacations and even the basic right to organise and bargain collectively (Vosko et al, 2019; Vandergeest and Marschke, 2020).

Our approach in this paper is informed by the concept of racial capitalism, which first came into widespread use through the debates in the South African anti-apartheid movement during the 1970s, followed by a more US-based literature with the publication in 1983 of Cedric Robinson’s landmark text Black Marxism (Robinson, 2021). For our purposes we can sidestep some of the vigorous debates concerning racial capitalism (for example: what is race; is racism necessary or opportunistic for capitalism – see Bhattacharyya, 2018; Go, 2021), to draw on what Go (2021) identifies as three key features of the term racial capitalism: first, that there are deep connections between racism or racist inequality and capitalism, both historically and in contemporary capitalism; second, that the term is typically used to refer to global capitalism rather than capitalism within a single national context; and third, that the concept has political implications concerning the connections between anti-racist and anti-capitalist struggles.

These features of racial capitalism help us to situate our findings: fishing companies in Ireland, but also globally, are increasingly employing workers from racialised low-income world regions – specifically, South-East Asia (especially Indonesia and the Philippines), and from several African countries including Ghana and Ethiopia – to reduce labour costs and thus the price at which they supply raw materials to the global seafood industry. A history of uneven development and colonial exploitation has marked workers in Asia and Africa as less worthy and more exploitable than workers in Europe, and these workers are often keen to find employment on terms that local or EU workers would not consider acceptable (Vosko et al, 2019; Clark, 2022). We will also describe how racial capitalism manifests on individual fishing vessels in Ireland as inequalities between workers from the EU on one hand, and workers from low-wage regions on the other. And finally, an important political implication of our study is that the struggle to improve working conditions in Irish fishing links the struggle against labour exploitation to an anti-racist struggle.

This paper contributes to our understanding of working conditions of migrant workers in fishing in two ways. First, we outline the challenges facing migrant fish workers in Irish fisheries, and situate how racialised labour exploitation is embedded within the global seafood industry. Second, we aim to do more than present another case demonstrating the marginalisation and exploitation of migrant workers: we also respond to the call for more research on how workers and support organisations resist injustice and advocate for change (Basok and Piper, 2023: 2). We thus analyse how the strategies pursued by the ITF campaign have led to improvements in working conditions for migrant workers in the Irish fisheries. The campaign’s strategies are worth studying for what can usefully be borrowed and deployed elsewhere.

Methodologically, we draw on Paulo’s story, and on other stories we heard from other migrant fish workers in the Irish fisheries, to illuminate the ongoing challenges

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facing migrant workers in fishing. We met with a dozen Egyptian, Filipino and Ghanaian migrant workers, through shadowing the ITF representative in their campaign work to support migrant workers (McDonald and Simpson, 2014). We were able to observe how the ITF strategises with workers on how or when to use Ireland’s legal system to address their diverse situations, which collectively constituted a significant component of the broader ITF-led campaign. We also held several follow-up interviews with workers, to fully understand how they perceived working conditions on the Irish fleet, but also to understand when they wanted to pursue legal action. These meetings took place in June and October 2022, in Dublin, Waterford and the port towns of Castletownbere and Glengarriff. We further draw on public information available in the dozen case documents submitted to Ireland’s WRC. Our qualitative fieldwork is supplemented by papers written by Maynooth university researchers (Murphy et al, 2020; 2021; 2022) and government documents, as well as published research by various media.

We start with a brief overview of migrant labour in the Irish fisheries, before turning to an examination of legal cases claiming unpaid wages that have produced wins on behalf of migrant fish workers. We then briefly examine how some fish workers become undocumented and the issues faced by these workers; and the uses and limits of classifying such working conditions as human trafficking. Finally, we highlight how, despite many injustices, many migrant workers in the Irish fisheries experience those fisheries as providing good work. We explain this by showing how racial capitalism has become embedded in the seafood industry at a global scale in ways that constrain the choices available to migrant workers.

Migrant workers in Irish fisheries

Ireland’s commercial fisheries, with annual exports worth US$686.7 million in 2020, accounts for 14 per cent of Ireland’s total seafood production. Most seafood exports are based in aquaculture (FishStatJ, 2023), so that any potential action against Ireland’s seafood exports threatens the lucrative aquaculture industry as well as fisheries. In 2019 the active fishing fleet included about 2,000 vessels with 223 mid-sized vessels over 15 metres in length (DAFM, 2019). About 9 per cent of the fleet was eligible to hire migrant workers under a working permit scheme for fishing (described later; Lawless and Delaney, 2022). Irish fishing vessels operate primarily within Irish and EU economic zones in the north-east Atlantic, targeting species that include Atlantic mackerel, blue whiting and shrimp. Top destinations for frozen mackerel exports, as an example, include the EU (31 per cent), Nigeria (23 per cent) and Japan (10 per cent) (FishStatJ, 2023). Although the fisheries encompass a small portion of Ireland’s total seafood sector, they play an important part in the government’s claims to support coastal communities that are a basis of Irish national identity (Brennan, 2022), rendering the government sensitive to criticism that the sector has serious human rights problems.

At the time of our research in 2022, fisheries workers in Ireland were divided by legal status into one of two categories: those with EU status, mostly from Ireland and Eastern Europe, and those from outside the EU, mostly from Egypt, Ghana, the Philippines and Indonesia. EU workers did not require visas and were paid a relatively good wage on a share of the catch system, usually between €2,500 and €3,500 per month, according to our interviews. Non-EU workers were supposed to be brought
Migrant workers in Irish fisheries

into the country by employers through the AWS (described later in this section). An unknown number of workers came into Ireland in other ways and many were not documented. Unlike some countries and states, Ireland applies minimum wage regulations to fishing. Workers in the AWS scheme were thus paid Irish minimum wage or a little above minimum wage as if they worked a 39-hour week – much less than the EU workers. In addition, workers who were registered under the AWS were able to access onshore services, and rented apartments on shore rather than sleeping on vessels while in port.

The AWS was first applied to fisheries in 2016, after a scandal erupted provoked in part by The Guardian newspaper. The Guardian’s investigation into the situation of migrant workers in fishing in Ireland found that agents and vessel owners were transporting workers into Ireland from London or Belfast, using UK transit visas that were designed to allow seafarers in other sectors to pass through the UK to access the vessels on which they were contracted to work (The Guardian, 2015a). The Guardian argued that this was a form of human trafficking, which left non-EU migrant workers in fishing effectively undocumented, and fearful of leaving their vessels when in port. Some of the workers they met with also reported physical and verbal abuse, and they were paid significantly less than EU workers on the Irish fleet (The Guardian, 2015a; 2015b; 2015c), often (but see the section ‘The importance of a win’) less than the €1,800 AWS workers typically earn. In response to this investigation and other negative publicity, the Irish government quickly convened an expert panel, whose recommendations led to fishing being incorporated into the AWS in early 2016.

The AWS is administered by the Department of Justice. Under this scheme, employers who wish to hire skilled non-EU workers on a temporary basis for specific and ‘atypical’ purposes can obtain an initial short-term (three-month) work permission for these employees. A few exceptions are listed that allow for longer periods, and fishing was added to this exception, specifying a 12-month visa (DoJ, 2023). Under the AWS, migrant workers in fishing were guaranteed a minimum wage based on a 39-hour work week, a paid ticket home and the right to be in Ireland for fish work. They could also access public hospitals, which is important for workers in this dangerous occupation. The AWS specifically bans the use of the scheme as a bridge to permanent status in Ireland. This ban was relaxed for fish workers in 2019 (US Department of State, 2022), meaning that after five years of work in fishing, fish workers could apply for permanent status. The AWS does not allow a worker to leave the employer specified in the application, and workers need to leave Ireland to renew the permission after 12 months. These provisions contrast with the general employment permit for most other migrant workers in Ireland, which provides for permanent status (Stamp 4) after two years, and the right to bring in family members after five years (Citizens Information, 2023). The general employment permit also allows workers to change employers after the first 12 months.

While these reforms were praised at the time for how they provided legal status and access to worker rights in Ireland, the problems with using the highly restrictive AWS scheme in fishing quickly became apparent. The ITF continued its campaign to support workers in fishing and advocate for further policy changes that would address the problems created by the application of the AWS. The remainder of this paper outlines the injustices as experienced by individual workers who are being supported by the ITF campaign, while also pointing to the experiences of those fish workers who view the Irish fisheries as providing good work.
Migrant worker experiences in Ireland

*Using the labour courts to access unpaid wages*

Starting in 2017, the ITF campaign submitted multiple cases of unpaid wages under minimum wage regulations included in the *Workplace Relations Act 2015,* to the WRC and/or the Labour Court. Since migrant workers in fishing work far more than the 39-hour work week stipulated in their contracts, they were effectively not paid for additional hours worked. The WRC cases further documented other injustices including the presence of racialised hierarchies among workers on fishing vessels, and abuse of migrant workers who were effectively tied to their employer for legal status.

*What it takes to build a case for unpaid wages*

How does the ITF campaign prove to the WRC that workers are working far in excess of 39 hours per week? Paulo’s case illustrates the innovative approach used by the campaign to demonstrate working hours, which built on ITF’s past experiences with cases that had produced wins.

During our meeting, we listened to Paulo’s account of his work experience, observed how Paulo and the ITF campaign prepared for the upcoming court hearing, and saw the documentation that the vessel owner made available to Paulo in response to a ‘Data Subject’ access request. Paulo was recruited in the Philippines by a crewing agency, which coordinated the necessary paperwork for entry into Ireland under the AWS, including a contract with a 12-month working visa. However, from the moment he began working for the shrimp trawler, Paulo faced intolerable working conditions. Working hours while the vessel was fishing were more than 15 hours per day, although he was paid on the basis of the 39-hour work week. He was also allowed only three hours of rest at any one rest period. He explained that he not only fished, but also worked in what was effectively also a seafood factory at sea, sorting, sizing and blast-freezing shrimp. As the months of work continued, he became increasingly frustrated by his working conditions and low pay, observing that the European crew on the same vessel were paid much more than him.

To explain the shrimp labour regime on board a vessel more concretely: on shrimp trawlers workers haul the shrimp nets, board the catch, and prepare and set gear for the next haul. This process of setting and hauling gear takes a few hours, but if the sea is rough can take up to five hours. The haul (shrimp catch) is processed on the vessel: shrimp are cleaned, sorted, graded and blast-frozen, which takes a few more hours per haul. Once the catch has been blast-frozen, it is repackaged and transferred to the freezer hold (two hours). In addition to all this work, someone has to cook food (three hours for one of the crew); others need to take watch at night when the boat is steaming but the skipper is sleeping (four-hour shifts); and the crew also need to repair nets and maintain gear (about three hours per day).

Although the working hours per haul varies, there is a big difference between setting nets two times a day and three times a day. Three times per day results in as many as 17 hours of work per 24 hours (*WRC, 2021; 2022b*). A reasonable workload on a shrimp trawler, according to workers, is setting and hauling two times a day, which means 10–12 hours of work. According to Paulo’s account, on his vessel nets were set and hauled three or sometimes four times in a 24-hour period, pushing the work well beyond 12 hours, sometimes up to 20 hours at a time.
Some of the other workers with whom we met also reported that nets on their vessels were set as many as four times a day, which allows for almost no rest. After nearly a year of working this way, Paulo was exhausted and left the boat.

The documents provided by vessel owner showed a very different account of work time, based on how the captain filled out the required monthly time sheets. We illustrate one of the time sheets in Figure 1. It depicts the same seven-hour work day every day for 17 days, with Paulo working one hour each morning, and six hours between 7 pm and midnight.

According to Paulo, he always signed blank time sheets, and never saw them filled out. The time sheet contradicts the nature of fishing work on a shrimp trawler as described by Paulo. The uniform daily hours contradict how fishing is shaped by sailing times, tides, the moon and variation in species abundance. Thus a basic familiarity with fishing casts doubt on the accuracy of these time sheets, although this does not provide evidence that would help the ITF campaign and the WRC estimate the actual hours worked.

Fortunately, a means for making these estimates has recently emerged, at least for trawlers. The ITF campaign has been analysing vessel-tracking data collected by the Irish Navy, and obtained through an access to information request. It also has access to vessel-tracking data recorded by Global Fishing Watch. The distinct movements of trawlers when they set and haul nets enables the campaign to estimate the number of times the vessel does this over a 24-hour period. This can be combined with the information on typical number of hours worked every time the gear is set, as well as information on additional tasks required of crew. More than two hauls in a day constitutes evidence that crew are working excessive hours, and supports the narrative offered by Paulo and other workers that have been brought before the WRC. This data has contributed to convincing the WRC that fish workers are working more than the 39 hours for which they were being paid.

**Figure 1:** Daily time sheets, filled in by the fishing company

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Hours of Work in 24-hour period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>01</td>
<td>12</td>
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<tr>
<td>1</td>
<td>02</td>
<td>12</td>
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<td>1</td>
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<td>12</td>
</tr>
<tr>
<td>1</td>
<td>21</td>
<td>17</td>
</tr>
</tbody>
</table>

NB: Daily time sheets, not signed or seen by the crew, indicating a seven-hour work day.
The documents submitted to the WRC for Paulo’s case reveal further injustices and an invocation of racist ideas concerning workers from Asia. When Paulo quit his job in early May 2022, he left without informing his employer. A few days later, the vessel owner emailed the crewing agency in the Philippines to inform them that Paulo had disappeared. In the correspondence between the vessel owner and the crewing agency in the Philippines, the vessel owner appears as a rational, helpful employer concerned for the well-being of the workers, while Paulo appears as an unreliable migrant worker who did not take advantage of the opportunities given to him by the employer, with the language invoking colonial stereotypes of lazy and not very bright ‘native’ workers. The vessel owner stated that he had no idea that Paulo wanted to quit this work, and that they had recently held a performance review with Paulo to discuss what aspects of his work needed to improve and ensuring that Paulo had protective boots for upcoming fishing trips. The vessel owner further claimed that after Paulo disappeared, he tried to contact him but without success, and that he now needed to inform the Irish Immigration Police that Paulo was no longer working for this company. The crewing agency in the Philippines emailed a response within two days, apologised for what happened, and added that this disappearance would be noted within the Filipino immigration system and that the crewperson should be blacklisted. The agency seemed particularly concerned that Paulo’s actions would negatively affect their reputation and thus impact other Filipinos being hired for work in Ireland. This correspondence hints at how employers and crewing agencies were able to work the AWS to try to control workers, and use this control to intensify exploitation.

The ITF campaign has been able to expose these injustices in part through bringing cases for unpaid wages to the WRC. Vessel-tracking data provided evidence of the daily working hours that far exceeded what would be acceptable for work on land, and underpayment of wages, while data information requests generated documents that provide evidence that captains and employers routinely provide inaccurate information to government regulators while using the AWS restrictions to intensify exploitation. They also reveal attitudes that embody a broader racial capitalism that devalues the work and worthiness of non-White workers from Africa and Asia. This strategy had already been successful in 13 separate cases brought to the WRC (that is, 13 WRC cases favoured migrant fish workers), and employers have been ordered to pay the workers significant compensation for the unpaid wages. The campaign was confident this would also produce a win in Paulo’s case. Workers in Irish fisheries are not being paid for the hours they work; in other contexts this is known as wage theft, and this is yet another way to understand what workers in Irish fisheries experience (see Farbenblum and Berg, 2018 for an explanation of global wage theft facing migrant workers). Although WRC cases have been successful in recovering some wages for a number of workers, the consequences for vessel owners are otherwise minimal. The question is thus how these wins in individual cases contribute to the overall campaign strategy to improve working conditions for migrant workers in Irish fishing.

The importance of a win

Another legal case offering insights into the personal and legal importance of winning a case in court is that of Mohammed Abbasy. His case was adjudicated through
Migrant workers in Irish fisheries

both the WRC, and the Labour Court which hears appeals against WRC decisions. Mohammed first came to Ireland in January 2016 through networks that were bringing fish workers to Ireland from a small set of villages in Egypt. This was just prior to the government decision to apply the AWS for the recruitment of non-EU workers in fishing, and Mohammed was hired as a share fisher on the fishing vessel *MFV Hannah J*. He worked long hours but was paid well above basic minimum wage rates. But with the turn to the AWS, his contract was changed to a 39-hour work week paid at the minimum wage. His work regime on the vessel did not change: Mohammed continued working extremely long hours, by his own estimates around 17 hours per day, resting an average of four hours per day. Although Mohammed knew he was not being paid for the number of hours he was working, the owner of the *MFV Hannah J* promised him a bonus at the end of the fishing season (WRC, 2022b). When the fishing season ended, there was no bonus.

At this point, Mohammed worked with a local solicitor to submit a case to the WRC for underpayment of wages. His case was heard by the WRC in 2017, but he lost. However, Mohammed then turned to the ITF who supported him through the Labour Court appeal phase. After many delays, the case was heard by the Labour Court in 2022. At this point, the ITF had learned how to use vessel-tracking data, and was able to submit additional evidence based on this data, as described earlier. An expert witness who could interpret this data testified that vessel movements were consistent with the account offered by Mohammed describing excessive working hours (WRC, 2022b). The Labour Court noted the time sheets submitted by the vessel owner ‘are a work of fiction that cannot be reconciled with the statutory fishing logs returned for the *MFV Hannah J*’ (WRC, 2022b). The vessel owner admitted to falsifying payslips (WRC, 2022b), and the court accepted the Mohammed’s account of working hours as a reliable record. He was awarded over €9,000: €6,000 for unpaid hours and another €3,000 for annual leave and public holidays (WRC, 2022b). Mohammed’s case illustrates the importance of being persistent in pursuing claims, and has also been cited as an example of a pattern of inaccurate timesheets used to track working hours for migrant workers employed through the AWS (Lawless and Delaney, 2022).

We met Mohammed a few months after he won his case. For Mohammed, the most important aspect of the win was that his story was validated through the courts. The initial court loss in 2017 had taken a mental toll on him, as he felt that people did not believe him or the overall situation of long working hours, deceit and unscrupulous boat owners facing some migrant workers in the Irish fisheries. His win in the Labour Court in particular offered social justice for migrant fishers and set a precedent for other workers. Getting to this win was not an easy journey: not only had he worked extremely long hours for an employer who used the AWS to cut his pay, he reported that he had also faced significant verbal abuse and racism on the vessel, had become undocumented and was unable to work legally for several years. Moreover, it took five years for his case to work through the courts. Even so, Mohammed reflected how this process was worthwhile. During the process, Mohammed had been able to obtain more permanent legal status in Ireland, and thus the freedom to work in any sector. It is indicative that, given this freedom, he chose to continue to work on fishing vessels, but in much better circumstances. We thus return to Mohammed’s story in the section ‘When work in fishers is good enough’.
Leaving your job; becoming undocumented

Mohammed and Paulo both exemplify how migrant fish workers can become undocumented in Ireland, and how the AWS regulations contribute to this process. Mohammed was later able to obtain permanent status but Paulo’s journey was only just beginning when we met with him.

What are Paulo’s options as he prepares for and waits for his WRC court case to be heard? Since he left his job on the fishing boat, Paulo had lived on his savings, supplemented by occasional work in fishing. When he does work, he makes less money than he did previously: the wages are not reliable, and amount to only a few hundred euros per trip.

The assistance of an honest solicitor was crucial at this stage, to make case for a visa (Stamp 1 or 4) that would allow Paulo to work without being tied to a particular boat owner, as he waited for his case to be heard through the WRC. We heard during our meetings about solicitors who would accept cases, take documents from workers, and require them to pay to have their documents returned if they did not make any progress on their case, sometimes as much as three or four thousand euros. The ITF campaign works with some solicitors who do pro bono work on behalf of migrant workers in fishing.10

Another example of fish workers becoming undocumented concerns two former fish workers from Ghana. We met with them in a refugee and asylum centre on the outskirts of Dublin. Prior to moving to Ireland, one had worked on fishing vessels in Ghana’s waters, including on Chinese vessels, and the other had started working on cargo vessels but shifted to fishing work in Europe when the cargo job ended. They did not know each other in Ghana although they came from the same town, travelled separately to Ireland and met on the Irish vessel where they worked. Their stories of how they arrived in Ireland were not entirely clear: they had been registered in the AWS programme, but one also described travelling to Ireland through Northern Ireland with a UK transit visa.

Their accounts of working conditions were similar to what Paulo and Mohammed described: excessive work hours, forced to continue working even when exhausted and not being paid for all hours worked. They emphasised the long and exhausting work standing at a table processing shrimp while on the vessel. When asked to compare to working conditions on the Chinese vessels, they said that Chinese vessels were easier as they worked in rotating shifts of six hours on, six hours off, as the vessels employed enough crew to cover two shifts. They asked their Irish captain to employ more workers as well, to no avail.

Both men said they were owed back wages, as they had been paid irregularly and not at all after the COVID-19 pandemic started, although they continued to work. They were then laid off by the vessel owner, who ceased fishing; he sent them to another vessel owner who failed to obtain proper paperwork for them, leaving them undocumented. They were eventually abandoned and ended up unhoused on the streets in Dublin, with no money and no idea where they could turn. The Irish police found them and arranged accommodation in the refugee and asylum centre where we talked with them. Accommodation in the centre also enabled the men to access medical treatment (one worker had hurt his back), food and shelter. The ITF was alerted about this situation at this time.

Their residence at the centre was only a temporary solution, as it was for asylum applicants. The discussion in the meeting thus suggested that their best option was to
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initiate an unpaid wages claim against their former employer, while also requesting a temporary employment visa, a strategy for which there was precedent with other fish workers as already described. This would be difficult in the short term, however, as they would remain undocumented while these requests worked their way through the system, meaning that they would need to find work as undocumented workers to support themselves.

Workers hired through the AWS can easily violate the various burdensome conditions in this scheme and fall out of documentation. We heard of another case in which a worker became undocumented because they would or could not return home (to the Philippines) after a 12-month AWS visa expired. Taken together, the cases we have discussed so far show how workers can become undocumented in various ways, and how the application of the AWS to registering non-EU migrant workers in fishing has in fact been responsible for producing undocumented workers. While the Irish government does not deport undocumented workers (as of our fieldwork), becoming undocumented creates many stressful issues for workers including a lack of labour protections for payment of wages, irregular or precarious employment (Murphy et al, 2022), and the need to avoid the police or other authorities.

According to ITF estimates, hundreds of crew in the Irish fisheries were undocumented as of 2022. This included workers who became undocumented while they were already in Ireland, and an unknown number who continued to be brought into Ireland without being registered even after the application of the AWS in 2016, often via the UK seafarer transit visa. The number of fish workers that were registered in the AWS programme are indicative: as of 2022, an estimated 520 fish workers had entered Ireland through AWS visa programme since 2016. In 2022 there were 277 AWS fish workers registered with 66 employers, according to Department of Justice figures (Review Group, 2022), yet there were 174 vessels (with 126 owners) that could hire non-EU workers through the AWS scheme. These boats are estimated to require a minimum of six workers when out at sea at any one time. This implies a minimum workforce of 1,000 fish workers on these vessels. While some workers are from Ireland and other EU countries, and a few are migrant workers who have the general employment permit, vessel owners report a struggle to find local or EU workers. The implication is that many vessels may be employing workers who were not documented.

Trafficking and the criminal court system

Prior to the application of the AWS, non-EU crew were often brought to Ireland through the UK using seafarer transit visas. This was portrayed by the media and critics as human trafficking, which helped to push the Irish government into taking steps to regularise the recruitment of non-EU fish workers. Since the application of the AWS, the ITF campaign has submitted some 35 cases to the National Police Service for possible admission to the National Referral Mechanism which investigates and prosecutes human trafficking cases (personal communication).

We met with one these workers, whom we will name Vincente. He came to Ireland in 2012 through the UK on a seafarer transit visa, and was never transitioned into the AWS although he continued to work for a vessel owner known to be abusive. The ITF campaign thus thought he could fit the criteria for human trafficking. Vincente endured a long interview with the police, who then submitted his case to
the National Referral Mechanism. Workers whose cases are accepted and investigated by the National Referral Mechanism gain some benefits, regardless of any actual prosecution. Most important is that they obtain temporary status in Ireland, which includes an initial 60 days of shelter, following by renewable six-month resident permit on a Stamp 4 basis, which provides for full labour market access as well as some social benefits including healthcare (Cunniffe and Ayodele, 2022; US Department of State, 2022; author interviews). Vincente obtained these benefits but his case was not prosecuted.

The outcome of Vincente’s case is the same as that of all other cases of fish workers submitted to the police as possible human trafficking. Of the 35 cases that were referred to the National Police Service between 2017 and 2022, 28 were admitted into the National Referral Mechanism, most of which were prior to 2021 when many workers initially entered Ireland through the UK seafarer transit visa. Of those cases sent to the Director of Public Prosecutions, no case has ruled in favour of the fish worker. Still, all workers that had entered into the referral mechanism have been permitted to remain in Ireland. Although human trafficking prosecutions would severely sanction convicted vessel owners, the threshold in Ireland, as seen elsewhere (Mileski et al, 2020), has proven to be too high to obtain convictions.

To explain: human trafficking prosecutions have a very high bar for success. Prosecutors must prove extreme abuse, and show that the case exhibits some of the indicators of human trafficking, including being deceived about the nature of their work, put in a situation of debt bondage, or coerced to perform illegal work such as illegal fishing (US Department of State, 2022). While poor or illegal working conditions such as long working hours, hazardous work and failure to pay minimum wages are included in the government’s list of indicators, they are not enough to meet the bar of a criminal conviction. Throughout the process, it is the police who determine whether a case should be advanced to the next step. In addition, the main goal is criminal conviction of a perpetrator rather than justice for workers, who are positioned as victims of a crime, although workers do obtain some benefits. This is in contrast to cases brought to the WRC where the burden of proof varies but is not as high as under criminal law, and the focus is not convicting a vessel owner, but obtaining justice for workers.

Even so, portraying labour abuse as a problem of human trafficking can be a very effective strategy for forcing the government to respond. As already described, media accusations that workers in fishing were being trafficked prodded the government into applying the AWS to document non-EU workers starting in 2016 (The Guardian, 2015a; 2015b; 2015c). During 2021–22, the concern that workers were being trafficked brought pressure to bear on the Irish government to re-examine the use of the AWS in fishing (we return to this in the discussion).

This is where the annual Trafficking in Persons Report issued by the Department of State in the US is particularly influential (US Department of State, 2022). The Trafficking in Persons reports are much influenced by politics – thus Taiwan has continued to receive a Tier 1 ranking despite submissions by civil society groups detailing evidence of forced labour and exploitation of migrant workers in their distant water fishing fleet. However, the Trafficking in Persons Report also provides an opportunity for civil society groups to highlight the often appalling working conditions of migrant workers, including migrant workers in fishing. The ITF has worked to ensure that the people writing the Trafficking in Persons Report were aware of persistent challenges
in Irish fisheries. Both in 2021 and 2022, issues with migrant workers in fishing were cited as one of the reasons for keeping Ireland at an embarrassing Tier 2 level, defined as not fully compliant but making significant efforts to be compliant with minimum standards. This was an upgrade from the 2020 ranking of Tier 2 watch list. Sectors with significant exports to the US are especially vulnerable, as the report can influence the US Customs and Border Protection agency, which is responsible for preventing the entry of goods made by forced labour, based on indicators that overlap with those of human trafficking. In early 2022, a US legal advocacy group cited the 2021 Trafficking in Persons Report as a reason for petitioning Customs and Border Protection services to not allow imports of seafood from Ireland into the US that was being caught or produced by forced labour (Godfrey, 2022a; 2022b) – an action that could impact the high-value Irish aquaculture sector as well as fishing.

When work in fisheries is good enough

In this section we return to the basic contradiction for migrant workers in Irish fishing. On the one hand, migrant workers from outside the EU often experience very difficult and even abusive working conditions. On the other hand, many migrant workers consider work in the Irish fisheries to be good work, much better than some workers experienced in other fisheries. In our meetings, these workers compared Ireland favourably to work in various Asian fleets, and in the UK.

For some fortunate workers, work in Irish fishing is good because they were able to gain open labour market access in various ways, and were thus able to negotiate well-paying jobs with reasonable working hours and respectful treatment by captains. Mohammed, whom we introduced earlier to explain the WRC process for claiming unpaid wages, exemplifies the advantages of open labour market access. Although Mohammed had worked for a terrible employer in 2016–17, he returned to fishing in 2022. He described how the owner hired seven crew for his vessel, all documented. All crew were paid on a share of the catch, which in Ireland produces wages much higher than minimum wage for a purported 39-hour week, which is what most workers with the AWS received. The vessel needed six active workers, so with seven workers, the captain rested one worker per trip, who still was paid a half share when resting. Workers had access to Wi-Fi on the boat as well as a PlayStation; he thought that the hours were fair, and that everyone was treated fairly. Mohammed organised the food on the boat, and noted that the food budget was not an issue, he could pick healthy, nutritious, halal-compliant food options. Overall, Mohammed’s account was that of a worker living a life that was secure and decently paid, and on par with that of Irish workers in fisheries. We would add that this was not an easy achievement: Mohammed went through real struggles and abuse to get to this favourable situation. Had he not taken his case to court, nor had the support of the ITF campaign, his case probably would have languished.

Mohammed’s work situation was a best-case scenario for migrant workers in the Irish fisheries. Many workers who described their work situation overall as acceptable were aware that they were paid much less than the EU workers on the same vessel, and that their pay and long working hours did not meet legal requirements. But they were willing to accept these conditions because they did not want to disrupt what they thought was overall a better work situation than they had experienced elsewhere.

We also spoke at length with James, who had been working for over 30 years as a fish worker in various fleets around the world. Where Paulo’s account highlighted
the negative aspects of his work, James highlighted what he found positive on his shrimp vessel, with an employer whom he liked. He described a similar work regime to Paulo, a mix of setting and hauling nets and then on board processing of shrimp. However, the intensity of his work regime was manageable because nets were only set and hauled twice daily, effectively capping working hours to 11 hours or so. He was also able to rest onshore in an apartment that he shared with other fish workers every third trip, while his wages continued to be paid. Our calculations showed that James was in fact working more hours than the 39 hours per week for which he was being paid, but he was not interested in contesting this even with the assistance offered by ITF, given how his work regime was mostly acceptable to him otherwise. He was, however, bothered that his wages were around half of that earned by the three Irish workers on his fishing vessel, although all workers were doing similar work.

James compared Ireland favourably to his previous work in fisheries in Scotland: he described his status in Ireland as free since he was there legally and did not fear deportation. When he worked in Scotland, he entered on a UK seafarer transit visa and thus had no legal status, feared being caught by the police, slept on the boat when at port, and fished in the North Sea, which is particularly cold in comparison to the Irish Sea. His income in Ireland was also better than in Scotland even after paying his share of rent in the apartment.

Examining wage differentials across global fisheries sheds insights into why many migrant workers described work in the Irish fisheries as good. Wages are only one dimension of a work experience, but wages are the main motivation for workers to leave their homes and families to work abroad. Wages in commercial fisheries in a given country can vary widely and can be based on share of catch, but available research indicates that share of catch wages are often lower than minimum wages, especially given the declining catches prevalent around the world (although we recognise Ireland offers an exception to this, since share of the catch is higher than minimum wage).

Table 1 thus uses a statutory minimum wage, considers what this translates into as an hourly US$ wage, and compares this with a conservative estimate of the effective hourly rate based on actual hours worked (assuming pay is not hourly, but rather for a standard work week or month, which is typically the case). We include countries from which Irish fishing companies source workers – Indonesia, the Philippines, Ghana and Egypt – but also key comparison countries on whose vessels migrant workers in fishing find work: Taiwan (both the fisheries within the Exclusive Economic Zone (EEZ), which comes under Taiwan labour law, and the Distant Water Fisheries (DWF), which does not), the UK and Ireland. We do not include actual wages for industrial fishing in worker home countries, as we do not have precise data, but should note that we consistently hear about long working hours, poor pay and the need to migrate for fish work elsewhere for better pay (author interviews).

The data in Table 1 make two key points for the arguments in this paper. First, they show that among the countries we include, wages for work in fishing are highest in Ireland. Wages in the Irish fisheries are many times more than wages in the origin countries for non-EU workers, even when an effective hourly rate is calculated for Ireland. The second point is that all migrant workers in fishing who are from Africa and Asia are paid very low wages in all fisheries, and significantly less than national
Migrant workers in Irish fisheries

Thus Table 1 elucidates both the draw of Ireland in the seafood labour market for migrant workers from Asia and Africa, but also how the global seafood industry relies on labour that is devalued to produce raw materials for high-value products such as processed tuna and shrimp. Since labour accounts for a significant portion of the cost of production in fishing, this helps to explain why corporate seafood buyers—the processors, retailers and food service corporations who dominate many seafood supply chains (Foley and Mather, 2017)—increasingly source raw materials from fishing companies who recruit a racialised, low-wage workforce from low-income countries in South-East Asia and Africa. The table also illustrates why the ITF focused a significant part of their campaign efforts on working hours, since migrant workers contracts are based on a minimum wage 39-hour work week, and do not take into account the long hours working at sea.

Table 1: Comparing statutory minimum wage with the effective hourly rate based on hours worked in industrial fishing

<table>
<thead>
<tr>
<th>Country</th>
<th>Statutory minimum wage in 2022a</th>
<th>Baseline fish contract (US$)b</th>
<th>Minimum wage per hour (US$)c</th>
<th>Effective hourly rate based on hours worked (US$)d</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Workers in home countries</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td>IDR 2.7 million/month</td>
<td>n/a</td>
<td>0.45</td>
<td>n/a</td>
</tr>
<tr>
<td>Philippines</td>
<td>PHP 372.12/day</td>
<td>n/a</td>
<td>0.84</td>
<td>n/a</td>
</tr>
<tr>
<td>Ghana</td>
<td>Cedis 13.53/day</td>
<td>n/a</td>
<td>0.21</td>
<td>n/a</td>
</tr>
<tr>
<td>Egypt</td>
<td>EGP 2,400/month</td>
<td>n/a</td>
<td>0.75</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Migrant workers on fishing vessels</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taiwan (EEZ)</td>
<td>NT$25,250/month</td>
<td>n/a</td>
<td>5.29</td>
<td>2.82</td>
</tr>
<tr>
<td>Taiwan (DWF)</td>
<td>US$550/month</td>
<td>n/a</td>
<td>3.44</td>
<td>1.83</td>
</tr>
<tr>
<td>UK (EEZ)</td>
<td>n/a for migrant workers in fishing</td>
<td>US$1,332/month</td>
<td>8.32</td>
<td>4.44</td>
</tr>
<tr>
<td>Ireland (EEZ)</td>
<td>€10.50/hour</td>
<td>n/a</td>
<td>10.95</td>
<td>5.84</td>
</tr>
</tbody>
</table>

aThis column is based on legal minimum wage rates per country in 2022. To calculate the minimum wage for Indonesia and the Philippines, we took the minimum wage rate per province/region and calculated the average. Sources: www.Mywage.org; www.WageIndicator.org. Indonesia, Philippines, Ghana, Egypt, Taiwan and Ireland.
bMigrant workers on the UK fleet are issued a monthly work contract that is less than legal minimum wage (see Sparks, 2022). The UK’s statutory minimum wage was US$13.23 per hour in 2022.
cTo determine minimum wages per hour, we did two things: first, we determined the number of hours per work week. All countries use a 40-hour work week, except for the Philippines (48 hours), Egypt (42 hours) and Ireland (39 hours). Second, we calculated minimum hourly rates in local currencies, and used the Foreign Exchange Rate to calculate US$, using Google Finance for 1 July 2022. Note that in the case of the UK we calculate the minimum wage per hour based on the monthly contract that migrant workers are offered.
dWe take a conservative estimate of working 20 days per month, for 15 hours per day across national (EEZ) and Distant Water Fisheries, resulting in a 75-hour per week. Hours in fishing are often longer per week, as many, if not most, workers do not have time off while out at sea and work seven days a week. Most fishing contracts do not take excessive working hours into account.
Discussion

The global ecological and political-economic characteristics of industrial fishing combined with the transnational recruitment of migrant workers from underdeveloped regions of the world produce the sorts of challenges experienced by non-EU fish workers in Ireland, and by migrant fish workers globally. People are not only ‘forced’ to participate in economic arrangements that cast them to the social margins; they also try to be included as edge-subjects of capitalism (Bhattacharyya, 2018). The employment of migrant workers from these regions enables fishing companies to reduce labour costs while also literally embedding global racial capitalism (Chari, 2022) on board individual vessels through the creation of racialised hierarchies between European and non-European workers. Individual fishing companies are opportunistic in how they take advantage of racialised differences and hierarchies to source workers whose labour power has been devalued through colonialism and racial capitalism. While for fishing companies (and seafood processors) this is opportunistic, low-wage racialised migrant labour has become structured into the seafood industry. The authors and their collaborators often hear from industry representatives that fishing companies would not be able to compete and be viable if they paid workers at levels obtained by European workers, or if they hired sufficient crew to allow for working hours that are not excessive by most terrestrial standards.

Fortunately we do not need to end this article by only reflecting on yet another story of exploited migrant workers. The ITF-led campaign demonstrates that there are concrete strategies that can lead to improvement in working conditions. In Ireland, these include using the judicial system, mobilising national and international networks to portray Irish fishing as tainted by human trafficking, and creatively using vessel-tracking data to support claims of excessive and unpaid working hours. Although migrant fish workers have been mostly involved in individual actions to pursue legal justice, when combined with the broader set of strategies pursued by the ITF Ireland campaign, the cumulative effect has been to force changes in government policies that shape working conditions for all migrant workers.

The most important positive outcome to date has been the Irish government’s decision to end the application of the AWS to fishing. This decision follows a government-established expert panel to review the use of the AWS in 2022: the major recommendation was shifting from the AWS to an employment permit scheme (Review Group, 2022). Online applications for the AWS for the purpose of fishing closed on 31 December 2022, and documented non-EU migrant workers have started transitioning to an employment permit–based system with so-called Stamp 4 visas (DoJ, 2022; Afloat, 2023). A Stamp 4 visa does not tie workers to a particular employer or sector, and workers can apply for an Irish permanent residency permit after five years. This shift means that that non-EU migrant fish workers could potentially achieve similar pay and many of the same rights as EU fish workers, although we will not know that actual outcome for some years. This could be a significant win even for workers who were satisfied with their work but knew they were being underpaid.

This win will also produce new challenges for migrant workers. Workers on a share of the catch system are considered to be self-employed: the labour courts cannot be used for workers on share of the catch systems to contest unpaid wages. Moreover, the broader challenges common to working conditions in fishing around
the world remain – poor monitoring and enforcement of employment standards, vulnerability due to isolation of workplaces, and the likelihood that many workers will experience systemic and overt racism. Migrant workers who have been in Ireland for a while, and can tap into migrant worker community roots, may fare better than newer arrivals. Ending the application of AWS to the recruitment of migrant workers in fishing also does not address the presence of many undocumented workers who continue to sustain the Irish fisheries, and there is a danger that some vessel owners may respond to the need to pay increased wages to non-EU migrant workers by turning to hiring more undocumented workers. This is an issue the ITF campaign is pursuing: since the abolition of the AWS the ITF has been able to obtain a Stamp 4 visa for a number of undocumented migrant fish workers, albeit on a case-by-case basis.

The global seafood industry has become based on migrant labour that is highly devalued at a global scale so that, in the long run, improvement in working conditions across industrial fisheries will require a coordinated global effort by workers and support organisations. Since 2014 when the Thai labour scandals first broke out, we have observed a growing interest in labour activism in industrial fishing, and increasing global connections among organisations involved in this effort (Marschke and Vandergeest, 2016; Vandergeest et al, 2021). The ITF has been organised around often militant international unionism since 1896, an approach necessitated by the international character of maritime transport (Campling and Colás, 2021: 139), and as such is well suited to work with other support organisations to help lead this global effort. The campaign in Ireland is important because it has developed strategies that have led to successes in Ireland, some of which could be adopted in other national contexts, or scaled up as coordinated international actions.

With respect to Ireland, much of the day-to-day work has involved supporting individual workers, but the longer-term goal has been to improve Ireland’s legal framework for migrant fish workers. At the same time, it remains important to monitor the evolving situation in Ireland to ensure that the unintended consequences from policy change can be addressed, while the long-term goal of organising a union will require considerably more time and effort.

Notes
1 Unless otherwise noted, we use pseudonyms for all interviewees.
2 The ITF is a global federation of trade unions in the maritime, transport, logistics and civil aviation sectors. The ITF’s main emphasis is representing 600,000 unionised seafarers in shipping, as well as working with affiliated unions around the world in maritime and other transport-related occupations.
3 The majority of fishing vessels in Ireland are family operated (DAFM, 2019) and do not rely on hiring migrant workers; thus three quarters of Ireland’s fishing vessels (of the 2,000 boats) are less than ten metres in length. Migrant workers are employed in two segments of the fisheries, on a total of 174 larger vessels, composed of beam trawlers and polyvalent vessels (which refers to mixed gear) which often target shrimp or other white fish (DAFM, 2019).
4 Already in 2017 Ireland’s ITF coordinator noted that the AWS permits were not working as planned (The Guardian, 2017). In 2019 four UN rapporteurs – on modern slavery, trafficking in persons, racial discrimination and human rights – joined together to issue
a rebuke to the Irish government related to allegations of forced labour and human trafficking under the AWS scheme (Review Group, 2022).

5 The *Workplace Relations Act, 2015* also includes other legislation, including the Organization of Working Time Act 1997, but we focus on the legislation used by the ITF in WRC cases, in particular the Payment of Wages Act 1991.

6 The Data Subject refers to the person who is making the request to access personal data about them held by other parties, in this case, the employer.

7 There are two ways to track vessel movement: vessel monitoring systems (VMS) broadcast vessel position at set intervals to earth-based receivers. This tracking technology has historically been used by fishing or other government authorities to track fishing or other vessels inside the 200 nautical mile Exclusive Economic Zones (EEZ). AIS (Automatic Identification System) tracking use mostly satellite receivers to track vessels in international waters, and they are required on all large ships to make vessel positions available to other vessels and avoid collisions—thus the data is public, unlike most VMS data. Global Fishing Watch uses mostly AIS data. This data can also be used to identify broad patterns associated with various types of fishing. See https://globalfishingwatch.org/ for further details.

8 Wins to the WRC have been based in large part on showing that workers are not being paid minimum wage for hours work; even so, working time remains a contentious issue (see Murphy et al, 2022 for a careful analysis). There are several cases that are under appeal to the Labour Court, appealing first-instance determinations with respect to working time.

9 Actual name, with permission. His name is public in the court records, and in media coverage of his case.

10 In the weeks following our discussion, Paulo obtained a Stamp 4 visa, based on an application made to the Department of Justice by one such solicitor as his case was waiting to be heard by the WRC.

11 See Sparks, 2022 for an explanation and results of a survey of workers in fisheries in Scotland confirming James’s account.

12 For example, on Indonesia, see results of a survey of workers in Indonesian fisheries conducted by Destructive Fishing Watch, at https://dfw.or.id/supervise-the-crew-pay-system-on-fishing-vessels/.

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**Data availability statement**

The authors take responsibility for the integrity of the data and the accuracy of the analysis. Due to confidentiality and anonymity concerns, we cannot share the interview transcripts.

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Conflict of interest
The authors declare that there is no conflict of interest.

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