

2<sup>nd</sup> February 2022

**Submission to the Cross-Departmental Review Group of the Atypical Working Scheme for non-EEA Crew in the Irish Fishing Fleet**

**Key Recommendations**

1. The Atypical Working Scheme for non-EEA fishers is closed
2. 'Trained Sea Fisher' is added to Critical Skills Employment Permit list
3. All current sea fishers (including undocumented fishers) given the opportunity to apply for a Stamp 4

The MRCI would like to thank the Review Group for the opportunity to make a brief submission in respect to the Atypical Working Scheme for Non-EEA fishers.

**Introduction**

The MRCI is a national organisation working to promote justice, empowerment and equality for migrants and their families. Since 2001 MRCI has been working with migrants in sectors of the economy where issues of low pay, discrimination and exploitation are rife. MRCI combines frontline services, policy, advocacy, and campaigning with migrant workers to secure rights. Over the last 20 years we have developed expertise and analysis on issues where workers' rights meet immigration in Ireland. For the last six years we have increasingly worked with non-EEA migrant fishers who are struggling to assert their employment rights and maintain their immigration status in an unregulated and isolated sector.

**Summary Feedback on the AWS Scheme and Recommendation for the Future**

1.1 The MRCI has been reporting significant issues of exploitation and injustices faced by non-EEA fishers prior to and since the introduction of the AWS Scheme for non-EEA fishers. MRCI's report from 2017 [\*Left High and Dry: The Exploitation of Migrant Workers in the Irish Fishing Industry\*](#) was a comprehensive study in this area. The MRCI and the International Transport Workers' Federation have continued to raise concerns and recommendations in various fora over several years including to the previous Government Task Force on Non-EEA Workers in the Irish Fishing Fleet, the Implementation Group and the Oireachtas Committee on Jobs, Enterprise, and Innovation. The recent Maynooth University Department of Law [\*report\*](#) further demonstrates that the situation for fishers has not improved and that urgent change is needed.

1.2 The opening of an Atypical Workers Scheme (AWS) in 2016 for non-EEA fishers did little to achieve its intended purpose and in many ways made the situation worse. This has been well documented. At the time when the Government Task Force was set up MRCI recommended that all

workers be granted a Stamp 4 due to the nature of the industry and the relatively small numbers affected. Unfortunately, this was ignored at the time and a more cumbersome process developed, comprising a complex series of steps which resulted in limiting workers' rights and giving excessive power to employers. **We re-iterate our call that the AWS for non-EEA fishers be closed.**

1.3 While there are many factors that contribute to the exploitation of non-EEA fishers, the most significant is fishers not having the right to 'freely' change employer and furthermore not having a pathway to earn a Stamp 4 status which over time would entitle them move employers freely. It is MRCI's experience that the quicker non-EEA migrant workers have the right to change employer without restriction the more empowered and willing they are to stand up for themselves, assert their employment rights and challenge exploitation and poor conditions.

1.4 Skilled fishers like most other categories of non-EEA migrant workers do not normally come to Ireland for short periods. They are here to live, work and build a life for themselves and their families. Fishers do critical work that is dangerous and difficult to keep an important Irish industry afloat and thriving. Non-EEA fishers should therefore have a basic set of rights as do other non-EEA migrants coming to live and work in Ireland which allow them for example to earn Stamp 4 permission over time and have rights to family reunion which they do not currently have under the AWS.

1.5 The MRCI has in the past recommended that a sector-based immigration/employment permission be granted which removes any barriers to changing employers as the best way forward for non-EEA fishers coming to Ireland, however no such sectoral mechanism currently exists at this point. Therefore, we recommend that at a minimum going forward 'Trained Sea Fisher' is added to the DETE Critical Skills Occupation list.

1.6 As is the case with several other employment permit occupations and due to the vulnerable nature of a fisher's work at sea, the MRCI recommends that the DETE, worker representatives and employer representatives agree minimum contractual standards for fishers through the employment permit system as is done with other occupations as part of employment permits. This is to ensure that fishers coming with employment permits are not used by certain employers to undermine or create unequal or discriminatory employment standards in the sector which put other fishers and their employers at a disadvantage. Consideration should be given to items such as interpretation of documents e.g., contracts and health and safety statements, minimum accommodation standards, sick/injury pay scheme and shared catch standards.

1.7 It is clear that mistakes have been made in the design and implementation of the AWS that has created significant problems for fishers and has put many in an unfavourable position. There is an obligation by the State to put in place a process which rectifies the situation for current fishers who continue to do this critical work. An opportunity should be opened to fishers currently working in Ireland and who are either undocumented or who are registered under the AWS scheme to apply for a Stamp 4 permission. It should be noted that a number of undocumented fishers do not qualify for the current DOJ Regularisation Scheme because they secured an AWS permission at some stage in the last four years and as a result do not have an unbroken 4-years undocumented status which is required by the Regularisation Scheme.

## **Contact**

MRCI is available to meet with the Interdepartmental Review Group to discuss or elaborate on any of the points raised above. Bill Abom, Deputy Director MRCI, [bill@mrci.ie](mailto:bill@mrci.ie); 0876918688