



Pacific
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Pacific handbook for human rights, gender equity and social inclusion in tuna industries



MODULE 9

Fiji Case Study

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Pacific handbook for

human rights, gender equity and social inclusion

in tuna industries

Module 9: Fiji Case Study

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CONTENTS

Key points	1
Social analysis and monitoring of HR and GESI.....	2
HR and GESI at sea	2
Human rights and labour rights in offshore fishing	2
Working conditions and contracts for fishing crew.....	4
Particular problems for foreign fishing crews.....	5
Grievance process.....	9
Worker representation	10
Private regulation.....	11
Health checks	11
Gender equity and offshore tuna fishing	11
HR and GESI in port areas.....	13
Worker voice	14
Gender equity	15
Action points: how can HR and GESI be improved in Fiji's tuna industries?	16
National regulation of crewing conditions.....	16
Multi-stakeholder forum	16
Employment Relations Tribunal.....	16
Gender-lens business solutions for absenteeism in tuna processing.....	16
HRBA-lens business solutions for absenteeism in fishing crews	16
Acronyms	17

Key points

- Fiji's long-running commercial fishing industry has provided business and employment for over five decades. However, there are serious HR and labour conditions issues on some fishing vessels.
- Likewise, PAFCO and other companies have provided tuna processing opportunities to generations of people. Current 'gender lens' human resources work on absenteeism could develop ideas on how to improve GESI in processing work.
- A multi-stakeholder forum to enable various relevant government agencies, international organisations, industry and NGOs to collaborate seems a necessary foundation for addressing HR and GESI issues in Fiji's tuna industries.

What is the current situation regarding HR and GESI in Fiji's tuna industries? What level of social analysis and monitoring occurs to identify issues and track progress towards improvement? This section looks at labour conditions including gender equity in Fiji's tuna industries, and considers what can be done to improve HR and GESI and by whom.

Early writings on tuna industries in Fiji highlighted that most initiatives concentrated on supporting men's activities in development and management of fisheries in the region.¹ Early studies on PAFCO highlighted the poor working conditions and low salaries of women as major concerns.² Similar sentiments were raised later by Vina Ram Bidesi, who stated that, despite policies aimed at creating employment, women's labour continued to be marginalised in tuna industries.³ In spite of some progress towards employing women in offshore fisheries, the conditions on longline fishing vessels and the length of fishing trips, which may be from a couple of weeks up to three months, usually deter women from joining as crew members or as observers in fishing vessels. Patricia Tuara Demmke highlighted the impacts, costs, benefits, and constraints of women's participation in the tuna industry.⁴ However, the recommendations from these studies have yet to be implemented.

Issues relating to gender equality in Fiji are the responsibility of the Ministry of Women, Children and Poverty Alleviation. The work of the Ministry is guided by the Fiji National Gender Policy (2014). Despite the general assumption that the Ministry of Women is solely responsible, mainstreaming policy means that gender equality is the responsibility of all ministries. Gender equality is cross-cutting⁵ and is a human right. The Ministry of Women is not adequately resourced and lacks the sector-specific knowledge to be able to cover gender equality in all sectors. Gender equality in fisheries, therefore, is also the responsibility of the Ministry of Fisheries.

Fiji has ratified several human rights- and gender rights-related international instruments (see Annex 1 in Module 1). Legal frameworks are described below.

- Human rights conventions that Fiji is party to include:⁶
 - Convention on the Elimination of all forms of Racial Discrimination (since 1973)
 - Convention on the Rights of the Child (since 1993)
 - Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (since 1995)
 - Convention Against Torture (since 2016)
 - International Covenant on Civil and Political Rights (since 2018)
 - International Covenant on Economic, Social and Cultural Rights (since 2018)
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (since 2019)
- The National Gender Policy for Fiji (2014) calls for gender inclusion in all areas of employment.
- The Ministry of Employment, Productivity and Industrial Relations (MEPIR) controls the Employment Relations Act 2007 (which is the national code of minimum employment standards) and the various regulations and orders made under it.

1 Vunisea A., 2016. The participation of women in fishing activities in Fiji. SPC Women in Fisheries Information Bulletin, 27, 19–28.

2 Emberson-Bain A. (ed.). 1994. Sustainable development or malignant growth? Perspectives of Pacific Island Women. Suva, Fiji: Marama Publications.

3 Bidesi V. 2008. Recognizing women in fisheries: Policy and considerations for developing countries. Yemaya, ICSF's Newsletter on Gender and Fisheries 28:12–13.

4 Demmke P. 2006. Development of tuna fisheries in the Pacific ACP countries (DEVFISH) Project. Gender issues in the Pacific Islands Tuna Industry. Forum Fisheries Agency, Honiara. Noumea: Secretariat of the Pacific Community.

5 Cross-cutting issues are relevant to all aspects of development and need to be considered and integrated into all stages of development initiatives, including project/programme cycles from planning to closing phase. Gender Equality is a development goal in its own right, and is widely recognised as a cross-cutting topic to achieve all 17 Sustainable Development Goals: <https://sdgs.un.org/goals>.

6 Graham A. and D'Andrea A. (2021). Gender and human rights in coastal fisheries and aquaculture: A comparative analysis of legislation in Fiji, Kiribati, Samoa, Solomon Islands, Tonga and Vanuatu. Noumea, New Caledonia: Pacific Community (SPC).

- Fiji ratified the Maritime Labour Convention (2006) in 2014, and the draft law encompassing its provisions has been going through the process of national consultation with stakeholders since 2017.
- The Fiji Fishing Industry Association (FFIA) has requested that the Fiji MEPIR ratify the International Labour Organization's Work in Fishing Convention – C188.

There are various mechanisms by which the Fijian Government can enforce legal protections for workers at sea. The Offshore Fisheries Management Act (2012) Decree (Section 49) authorises fisheries officers to travel with the Navy to investigate suspected illegal fishing incidents, and they are empowered to inspect, detail, seize product, question people and arrest without warrant if they have reasonable grounds.

Social analysis and monitoring of HR and GESI

Statistical data needed for human rights and GESI analysis in Fiji are 'sparse, sometimes of poor quality, and often out of date'.⁷ The WWF report on *Gender Mainstreaming in Fiji's Offshore Tuna Industry*⁸ and stakeholders consulted for this handbook note the lack of data available to understand the social dimensions of tuna industries. There have been studies over the years that provide snapshots,⁹ but some of these are now quite old. A monitoring programme could establish baselines, and with ongoing data collection issues could be tracked over time to see whether the issues are improving.

For example, one of the industry associations said that in order to be able to properly consider mandating improved labour and living conditions of crew on longline vessels, or enabling equal participation of women in offshore fishing, a cost–benefit analysis would be useful. Another form of analysis that would be really useful for understanding the social dimensions of Fiji's tuna industries would be to evaluate the costs and benefits to families and communities involved with offshore fishing.¹⁰

The current situation, with a lack of data about HR and GESI makes it difficult to raise human rights abuse issues. The lack of data acts to protect companies, and leaves employees without their human rights fully protected.

HR and GESI at sea

Human rights and labour rights in offshore fishing

Fiji's tuna fishing is mainly longlining. Not all tuna fisheries operating in Fijian waters are the same – there are Fiji-flagged vessels and foreign-flagged vessels operating in Fiji's exclusive economic zone (EEZ). There are also foreign-flagged vessels operating outside national waters carrying Fijian crew or observers. As with tuna fisheries elsewhere, there are human rights and labour rights problems on tuna vessels in Fijian waters. Stakeholders pointed out that while longlining in general has very long working hours, and living conditions are usually not as comfortable as those on purse seine vessels, some companies do provide working conditions crew are happy with, such as Fijian food. Industry stakeholders assert that the worst problems occur on the foreign-flagged vessels, rather than on the domestic fleet.

For example, Fiji is on the US Government Tier 2 Watch List because it does not fully meet the minimum standards for the elimination of human trafficking.¹¹ As a result of being Tier 2 the Fijian Government is under pressure to make policies in line with international laws and have high compliance. In order to protect their industry the FFIA approached the Ministry of Employment in 2019 to ratify the International Labour Organization (ILO) Work In Fishing Convention 188 (C188). If Fiji ratifies and enforces laws like C188 this is a way for the industry to explain to international buyers that their crews' rights are being protected. The Ministries of Labour, Immigration, Maritime Safety, Transport and Fisheries are in discussion to progress C188. Since it will take a long time for the government to ratify and implement C188, FFIA has asked the Ministry of Fisheries to put in place a crewing policy, but as of 2022 the crewing policy was not in place. Another way the Fijian Government is seeking to strengthen legal protections for fishing crew is by being part of the regional approach through the FFA Harmonised Minimum Terms and Conditions (HMTTC) (2019), with requirements about observer and crew recruitment and onboard conditions. Fiji also has a National Action Plan (NAP) framework for collaborating and managing data to address forced labour, human

7 Unisea A. (2016). The participation of women in fishing activities in Fiji. SPC Women in Fisheries Information Bulletin, 27, 19–28, p.9

8 Unisea A. (2021). Gender Mainstreaming in Fiji's Offshore Tuna Industry. Suva, Fiji. Retrieved from <https://www.fasia.awsassets.panda.org/downloads/gender-mainstreaming-in-fiji-s-offshore-tuna-industry-report.pdf>.

9 Emberson-Bain A. (1994). Sustainable development or malignant growth? Perspectives of Pacific Island women. Suva, Fiji: Marama Publications; Tuara Demmke, P. (2006). Gender issues in the Pacific Islands Tuna Industry (DEVFISH Project). Honiara, Solomon Islands: Pacific Islands Forum Fisheries Agency (FFA), Pacific Islands Forum Secretariat (PIFS), Secretariat of the Pacific Community (SPC). Retrieved from [https://www.ffa.int/system/files/Gender issues in P. I. Tuna Industries 1_0.pdf](https://www.ffa.int/system/files/Gender%20issues%20in%20P.I.%20Tuna%20Industries%201%20.pdf); Sullivan, Nancy, Ram-Bidesi, V., Diffey, S., & Gillett, R. (2008). Gender Issues in Tuna Fisheries: Case Studies in Papua New Guinea, Fiji and Kiribati. Honiara, Solomon Islands: Forum Fisheries Agency (FFA), Pacific Islands Forum Secretariat, Pacific Community (SPC); Barclay K. and Cartwright I. (2008). Capturing wealth from tuna: case studies from the Pacific. Capturing the Wealth From Tuna: case studies from the Pacific. https://doi.org/10.26530/oapen_458838

10 Unisea A. (2021). Gender Mainstreaming in Fiji's Offshore Tuna Industry. Suva, Fiji. Retrieved from <https://www.fasia.awsassets.panda.org/downloads/gender-mainstreaming-in-fiji-s-offshore-tuna-industry-report.pdf>.

11 Office to Monitor and Combat Trafficking in Persons. (n.d.). 2020 Trafficking in Persons Report: Fiji. Washington D.C. Retrieved from state.gov/reports/2020-trafficking-in-persons-report/fiji



Traceability verification at PAFCO, Levuka, Fiji. © WWF-Pacific / Adriu lene

trafficking and modern slavery.¹² In 2013 the Fijian Government committed to a society free from child labour through reforming labour legislation in the Constitution.

In 2021 the US Customs and Border Protection put a ‘withhold release order’ on a Fijian tuna longline fishing vessel, due to claims that forced labour may have been used on the vessel.¹³ The vessel is suspected of having an employment environment where crew are subject to withholding of wages, debt bondage and retention of identity documents – all of which are indicators of forced labour/human trafficking/modern slavery (see Module 1 for definitions, and Module 3 for discussion on HR on tuna fishing vessels across the Pacific). Representatives from the fishing company associated with the vessel said the claims had not yet been properly investigated and that the vessel involved did not actually use forced labour.¹⁴ The problem remains, however, that many tuna fishing companies come under suspicion of slavery because common practices in the offshore fishing industry can be indicators for slavery, including:

- unclear processes for employees to report grievances
- very long working hours and short rest periods
- not having effective union representation
- the practice of captains holding crew passports
- labour contracting processes that are not transparent or accountable.

¹² Developing a Joint Roadmap for Fiji as a Pathfinder Country to Achieve SDG Target 8.7 (Fiji, August 22-23, 2019). Retrieved from: https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/-/ilo-suva/documents/publication/wcms_726134.pdf.

¹³ White, C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>

¹⁴ White, C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>

Many of the existing practices in the fleet have emerged incidentally from the historical development of the industry, or are the result of the industry being global. That is, vessels are often owned by businesses in other countries, crew are often made up of people from several countries and they may be recruited by companies based in other countries. The Fijian Government is responsible for fishing conducted in Fijian waters, but when companies involved are based overseas it becomes more difficult. The common practices that can be indicators for slavery or enable labour abuses must be changed if the offshore fishing industry is to 'clean up its act' and actively prevent human and labour rights abuses.

A key point to remember is that for many crew members the fishing life is better than the alternative for them. For crew who have not finished school or have few or no employment opportunities at home, fishing is an opportunity. Many crew members are improving their lives and those of their families through fishing work. Some people love working at sea. So there is a broader social development issue here, for societies and governments to work towards everyone having access to education and to decent work, so that they do not feel forced to accept poor conditions in fishing work.

Given that stakeholders agree that human rights and labour abuses occur more frequently on distant water vessels, it is important to point out that all flag states should take responsibility for conditions on the vessels flagged to them. Distant water fishing states, which include some large and wealthy countries such as the USA, European countries, Taiwan, Japan and China, are not all adequately meeting their flag state responsibilities regarding labour conditions.

Working conditions and contracts for fishing crew

When Fijian fishing companies recruit Indonesian fishers from Indonesian recruiting agents, the fishing company pays a fee to the agent, return airfares for the crew members and provides the transit and immigration paperwork, including work permits. Indonesian crew are usually on two-year contracts. According to stakeholders who work with fishing crews, when Indonesian crew are not at sea they live in houses in Suva with other overseas seafarers, or stay on vessels in Suva Harbour.

According to the FFIA, government regulation of labour is quite strict. They say every fishing voyage requires approved clearance of the Crew Manifest from the MSAF. Clearance is given by an MSAF Marine Checker who is physically on the wharf at time of sailing. Some interviewees for this handbook, however, say that MSAF does not check all voyages. FFIA say MEPIR staff visit companies to verify that wages and salaries are paid as they should be. Child labour is prevented by all recruits having to show their birth certificate, FNPF (Fiji National Provident Fund) account and other identity documents.

For Fiji-based fishing companies, Sections 37 and 38 of the Fiji Employment Relations Act (2007) requires all employment contracts of longer than one month's duration, including Fijians working overseas and foreigners working in Fiji, to be in writing and to contain the minimum particulars set out in Schedule 2 of the Act. All written contracts are to be in the English language and it is the responsibility of all employers to have all work terms and conditions on the contracts clearly explained to the employees prior to them signing.

According to the FFIA, most Fijian tuna fishing crew are engaged on short term (monthly) verbal contracts, or very short written contracts without details about conditions. Some are 'contracts *of* service' (normal employment contracts), others are 'contracts *for* service', which means the crew is engaged as a self-employed 'share fisher'. Rather than being on a wage or salary, payment is a specified portion of the profits or gross earnings of the vessel that they work on. One company interviewed for this handbook says their 'share fisher' remuneration is made up of an allowance for each trip and a percentage of the catch value.

Most of the foreigners working in the Fiji tuna industry are Indonesian crew, with a smaller proportion of other Asian nationalities and Filipino crew. Foreign crew members have a longer tenure under written contracts consistent with the duration of their work permit, but the industry avoids having those foreign crew under employment contracts, preferring them to work as share fishers.

Fijian crew are usually paid a daily wage, perhaps with a bonus related to the value of the catch, although interviewees indicate that bonuses have not been paid for several years. One of the interviewees for this handbook remembers a fishing crew member showing them his payslip, which showed payment for an 8-hour work day, but the crew said he always worked around 16 hours a day, and was never paid overtime.

Case study – Auntie concerned about her nephew's fishing crew contract



A young Fijian man was working on fishing vessels owned and run by Korean and Taiwanese companies. One of his aunties was concerned to make sure he was well covered and offered to look at his contract for him, but he was not provided with a contract before he boarded the vessel. She was concerned because of some of the bad cases reported in the media, so kept asking him for a copy of his contract even after he went on board. He said he signed a contract that was kept in the office of the company, but that he wasn't given a copy. His aunt is concerned about what happens if something goes wrong, because his family have virtually no details of his employment or who to contact. She says he is not concerned. He is young and is willing to go ahead without checking his contract before getting on board or making sure copies are with his family. Most crew and their family think that this is normal and do not realise it is a problem. But this young man's aunt has some questions. Is the company paying money to the Provident Fund as it should be, and paying legal wage rates? Is there enough rest allowed, and overtime paid?

According to stakeholders working with fishing crews, even the few Fijian crew who do work under full written contracts are not usually given a copy of the contract, especially before they board the vessel. Fishing companies say that they cannot issue full contracts ahead of time because crew who have agreed to work on a vessel simply do not turn up in time for the vessel leaving, so the vessels are forced to take on last minute hires, meaning a proper contract process in line with the Employment Relations Act is not possible. Interviewees who work with crew say the reason crew may fail to turn up is due to poor wages and conditions and better opportunities elsewhere. Moreover, they say that even if crews do turn up on time they are rarely offered a copy of the contract, usually the company records the crew's names and collects their signatures but does not give them a copy of the contract. These interviewees say crew are not usually informed about the wage rate before leaving.

According to the fishing companies, rest periods are rotated among the crew so they are doing the heavy physical work of fishing for about six hours before they rest. In a 48-hr period, therefore, there are different shifts for work, relaxation and rest. According to interviewees who work with crew, however, the practice of rotating to enable enough rest is rare. The normal pattern of work is to set the line from around 5 a.m. to 11 a.m., then rest for 3–4 hours. Then work starts again to pull the line in, and wash, gut and store the catch. Work for a light catch might finish at midnight, for a heavy catch at 4 a.m. This indicates that the normal working day for crews is 16–19 hours. There are few or no days off till the end of a voyage.

With exhaustion, the risk of injury or falling overboard increases. Crew are issued with emergency position indicating radio beacon (EPIRB) personal locator devices that are activated in water, as falling overboard is always a risk during fishing activity. Companies pay for the EPIRB but not everyone who falls overboard is wearing a device.¹⁵

In addition to the statutory prohibition on forced labour, Part 6 section 47 of the Employment Relations Act (2007) restricts the amount and purposes of deductions that can be made from worker's pay. Under the section, deductions can only be made for loans where the money has been paid by the employer to the worker and there is a signed memorandum recording the terms of repayment. According to interviewees who work with crew, the crew are never asked to sign such documents. The Employment Relations Act stipulates that personal protective equipment (PPE) such as raincoats and boots should be provided by the employer at no cost, but fishing companies routinely charge workers for these (around FJD 80–90 each). Moreover, interviewees said that the raincoats and boots provided by companies are often too small for Fijian crew and are of poor quality so they tear easily. Deductions may only be made for articles and provisions purchased on credit if sold at the same price as would apply to the public, but it is not easy for crew to check these prices.

Particular problems for foreign fishing crews

Some of the most serious human rights and labour abuses occur against Indonesian crew members, who make up a large proportion of the offshore tuna fishing workforce in the Pacific. Interviewees related stories of when Indonesian crew members being abused on vessels 'jump ship' in port, run to the police station and ask for help. Crew passports are kept by the captain, so a fleeing crew member cannot collect their passport before they jump ship. If the crew member has no documentation the police may be unwilling to help, and apparently police even sometimes return fleeing crew members to the ship they fled from, without further investigation. Clearly, if a crew member has fled in fear of violence or death, returning that crew member to the vessel is an unacceptable response. For migrant workers who cannot speak the local language, and do not have their passport, trying to leave an abusive situation must be incredibly stressful. They are in a highly vulnerable situation.

¹⁵ 1 News. (2021, May 22). Fishermen handed over to police after alleged beheading on boat near Fiji. TVNZ. Retrieved from <https://www.tvnz.co.nz/one-news/world/fishermen-handed-over-police-after-alleged-beheading-boat-near-fiji>

This is where the cross-jurisdictional complexity of industrial tuna fishing raises problems – addressing the problem of a fleeing non-Fijian crew member comes under the purview of Labour, Police, Immigration, Foreign Affairs and Fisheries. This could be solved through action by a multi-stakeholder forum – to clarify what the process should be for handling fleeing crew members, and then make that process understood by all staff who might come into contact with fleeing crew. The process should, at the minimum, involve checking the complainant's work contract and interviewing them privately. The captain or a representative of the fishing company should not be present for the interview. The interview process should be informed by organisations with expertise so that it effectively gets to the truth of a situation. In the current situation, claims by crew may be countered by claims by companies, and it is difficult to distinguish between a difference of opinion and forced labour.

Even though most crew do not suffer human rights abuses, the way overseas crew members are recruited is part of the problem that enables labour and human rights abuses in the fishing industries. The agencies that recruit Indonesian or Filipino crew are based in those countries and so are not bound by Fijian law (see Module 3 for further details about issues with labour recruiting agencies). Fishing companies correspond with recruiting agencies in third countries by email and phone about their crew requirements. The agent sends curriculum vitae of recommended crew to the fishing company human resources staff. The fishing company then tells the recruiter which applicants they want to hire and all required documentation for that crew member is then sent by the recruiting agents to the fishing company and submitted to the Fiji Immigration Department for a work permit application. When the work permit is issued the fishing company advises the recruiting agent. The air tickets are paid for by the fishing company for the crew to travel to Fiji to start work once this notification on work permit is provided.¹⁶

According to the FFIA, existing crew can recommend friends, but they still need to go through a recruiting agent. The length of contract depends on the rank of the job, usually 12–18 months with the possibility of extension based on mutual agreement and a request from the crew member. Some contracts have been renewed multiple times with the foreign nationals employed at companies for more than 15 years. Long-serving officers and crew are seen as 'loyal members of the company family'. There are also shorter-term hires who work for only one or two trips.

¹⁶ Fiji Fishing Industry Association (FFIA) MSC Group. (2019). Fiji Albacore and Yellowfin Tuna Longline Fishery Certificate Holder Forced and Child Labour Policies, Practices and Measures. Suva, Fiji: Marine Stewardship Council fisheries assessments. Retrieved from <https://cert.msc.org/FileLoader/FileLinkDownload.aspx/GetFile?encryptedKey=XtFGewlBfn6btmI8Zuh7Nos2gslk4u3L4ZW8mZ7LIJlU0rU4hVteddlH+hkVBu0F>

Fishing crew (L-R) Livini Buca, Sereana Cakacaka, Vaseva Dale and Joana Kasani offloading a Yellowfin at Fiji Fish Ltd. © WWF-Pacific



Some agencies look after crew well, but some exploit crew badly. The problems of withholding wages and identity documents claimed in the 'withhold release order' from the US Government against a Fijian longliner mentioned earlier occurred with the recruiting agent rather than the fishing company. The recruiter was accused of retaining identity documents and withholding remuneration in a way that looks like debt bondage.¹⁷ 'Debt bondage' means the recruiting company seemed to be withholding crew wages to cover recruitment costs. According to the FFIA all costs associated with recruiting should be covered by the employers, including recruitment fees, travel costs, medical exams, police clearance, visa applications, and so on.¹⁸

In 2021 there were media articles of several Filipino seafarers (merchant marine, not fishing crew) who were given a bad contract by their recruiter. They were not paid at the rate they had agreed to, and when they sought union help they were fired. The shipping company tried to take their passports away, and failed to repatriate them so they were stuck in Fiji, unemployed and unable to return home for months.¹⁹ Although this case is not a fishing case, overseas fishing crew are vulnerable to the same risks.

In Fijian tuna fisheries, as in tuna fisheries around the region, there is a mismatch between the usual practice of captains retaining identity documents for the duration of voyages, and the human rights protection requirement that crew should have direct access to their own identity documents. If an employer unreasonably withholds identity documents a complaint could be made to MEPIR, MSAF, the Department of Immigration or the Fiji Police.²⁰ This does not apparently prevent access problems, however, because there have been a couple of cases of Indonesian crew fleeing their vessels while in port with no identity documents. It seems logical that if a crew member feels unsafe enough to want to flee their vessel, they are unlikely to feel comfortable to ask the captain for their identity documents.

Sometimes the system of the work permit, the work contract, and the required bond for repatriation (paid by the employer) breaks down, and overseas seafarers are left stranded in Fiji. Sections 40 and 41 of the Employment Relations Act (2007) require an employer to repatriate the body if a worker dies, and to provide a worker with a right of repatriation if a contract cannot be fulfilled by the employer or, if owing to sickness or accident, the contract cannot be fulfilled by the worker. It is a condition of all work permits that the employer deposit a bond with the Department of Immigration to cover the return airfare of the foreign worker for whom the permit has been granted. If the employer does not pay the worker's repatriation costs, the Department can draw on the bond to repatriate the worker. According to FFIA, the bond can be deposited as an amount per crew member or up to a certain amount per company, because the repatriation funds are usually used sporadically rather than all foreign nationals having to be flown home in one go (although with COVID-19 whole crews were repatriated at the same time).

The main problem is with foreign flagged vessels based in Fiji, or those visiting for trans-shipping or servicing – they are not required to pay such a bond. The merchant marine employer mentioned above who left Filipino employees stranded in Fiji had not placed a bond and didn't pay the return air fares for most of the men. No penalty was applied for this failure, and the company was not charged with human trafficking. Most of the cases of stranded crew are from merchant vessels rather than fishing vessels, but sometimes tuna fishing crew are involved. Interviewees who have worked in a voluntary capacity to support stranded overseas seafarers have related stories of Indonesian crew hired to work in Fiji where the recruiting agents 'disappear' and so cannot be forced to fulfil their obligations to repatriate crew. When complaints are made to MEPIR, the Indonesian or Filipino workers are considered non-residents, which, according to the interviewees, means MEPIR staff see it as outside their responsibility. There are also concerns about stranded seafarers being deported once their work permits have expired, and whether the seafarers themselves will be held responsible for the cost – which they cannot pay.

Most foreign crew had to be repatriated in response to the COVID-19 pandemic travel restrictions. The Fiji tuna longline industry suffered greatly during the pandemic, mostly due to freight route disappearance and lost markets. The pandemic situation meant Fijian companies with foreign officers and crew had to repatriate them all at the same time, even long-serving staff who had worked in Fiji for ten or more years. As industries recover, the problems of stranded foreign crew may rise again.

Some Fijian tuna fishing companies say they would prefer to hire local crew and avoid the kinds of problems described here to do with foreign crew, but say they are unable to find enough local people with experience and qualifications for higher ranking crew positions, and not enough people willing to do the lower-level crew roles. These companies say they have no choice but to recruit overseas crew as well as Fijians. This story is common among tuna fishing companies across the Pacific. However, it is disproven by National Fisheries Development (NFD) in Solomon Islands, which has

17 White C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>

18 Fiji Fishing Industry Association (FFIA) MSC Group. (2019). Fiji Albacore and Yellowfin Tuna Longline Fishery Certificate Holder Forced and Child Labour Policies, Practices and Measures. Suva, Fiji: Marine Stewardship Council fisheries assessments. Retrieved from <https://cert.msc.org/FileLoader/FileLinkDownload.aspx/GetFile?encryptedKey=XtFGewlBfn6btm18Zuh7Nos2gslk4u3L4ZW8mZ7LJlU0rU4hVteddlH+hkVBu0F>

19 Torib Y. (2021, June 30). Stranded Filipino seafarer shares ordeal in Fiji. The Manila Times. Retrieved from <https://www.manilatimes.net/2021/06/30/business/maritime/stranded-filipino-seafarer-shares-ordeal-in-fiji/1805141>; Islands Business. (2021, March 3). Filipino seafarers' fate to be discussed today. Islands Business. Retrieved from <https://islandsbusiness.com/news-break/filipino-seafarers-fate-to-be-discussed-today/>

20 Fiji Fishing Industry Association (FFIA) MSC Group. (2019). Fiji Albacore and Yellowfin Tuna Longline Fishery Certificate Holder Forced and Child Labour Policies, Practices and Measures. Suva, Fiji: Marine Stewardship Council fisheries assessments. Retrieved from <https://cert.msc.org/FileLoader/FileLinkDownload.aspx/GetFile?encryptedKey=XtFGewlBfn6btm18Zuh7Nos2gslk4u3L4ZW8mZ7LJlU0rU4hVteddlH+hkVBu0F>



Loading of tuna into a freezer truck at Mua-i-Walu Port in Suva, Fiji. © WWF-Pacific / Jason Chute

Fiji Maritime Academy's Offshore Fishing Skipper Programme. © WWF-Pacific / Ravai Vafo'ou



trained up numerous local crew to high ranking positions and has had almost fully localised crews since the 1990s. It seems clear that when the pay is reasonable, food is good, accommodation comfortable and training is offered, Pacific Islanders can crew fishing vessels profitably. Possibly it is harder to turn a profit in the tuna longline industry than in purse seining (NFD uses purse seining with some pole-and-line). However, purse seine companies in PNG have long insisted that they need foreign crew from overseas recruiting agencies, so purse seine companies also use the same excuses for continuing to recruit mostly expatriate crew.²¹

When foreign nationals with qualifications from another country are recruited into Fiji, MSAF must provide a certificate of recognition of their seafaring qualifications before they are permitted to work on board vessels. MSAF requires a Memorandum of Understanding with foreign nationals' seafaring qualification organisations so that the qualifications can be recognised before they can work, as per the International Maritime Organization (IMO) Standards of Training, Certification and Watchkeeping (STCW) for the general maritime industry (merchant shipping and ferries). There is no such MoU with Indonesia or the Philippines, the main countries of interest for tuna fishing. This is now being enforced, and is quite onerous for the industry, so they are seeking advice from MSAF.

Grievance process

Not having a clear grievance process, which is understood and accessible by employees, is a risk factor for labour rights abuse. The tuna fishing industry must make sure all crew know how to make complaints, have the process accessible to them, and have problems dealt with effectively. A multi-stakeholder forum would enable this within the complex cross-jurisdictional, multi-lingual environment of the offshore fishing industry.

In principle, if crew members are being abused they can report grievances to MEPIR, although MEPIR staff usually ask to see contracts in pursuing cases, and, as we have seen, crew usually do not have contracts. MEPIR also has no jurisdiction over 'share fishers' who are on independent contracts, although, according to FFIA, in practice MEPIR accepts complaints from share fishers and seeks to resolve them.²² According to FFIA, if a complaint is made, labour inspectors will visit the company to verify the grievances and check all the labour-related company books. They may prosecute offenders in the courts. According to members of seafarer support NGO Human Dignity Group, labour inspectors rarely interview crew members, so it appears that evidence about complaints is mostly gathered from company human resources departments and company managers. When Human Dignity Group members have asked crew to report their grievances to MEPIR, crew have replied "it's no use, they [MEPIR] don't do anything". Possibly crew worry if they report their company they will not be hired again, and some fishing crew are not easily able to find other work – they need their fishing work. The nearest MEPIR office is some kilometres away from the wharf where most tuna longline fishing vessels dock, so it costs bus fare to make the trip, and crew are not guaranteed to be able to talk to a labour inspector at the time they visit. Crew who seek support from the Human Dignity Group say labour inspectors do not make unannounced visits to company offices or check records of fishing vessels. MEPIR has very few staff to cover the whole Suva area, so the lack of coverage of labour issues in fishing may reflect lack of resources and capacity.

MSAF controls the Maritime Transport Decree (MTD) of 2013 and regulations made under it (MTD 2013). The MTD deals more specifically with seafarers. Complaints in the seafaring context are investigated by MSAF, which may prosecute offenders in the courts. Around three to four grievances are sent to MSAF each year, on issues such as seawater entering the sleeping area, or blocked freshwater tanks (after the voyage). But MSAF can only address issues on Fiji-flagged vessels, not on the non-Fiji vessels on which Fijian nationals are crew.

Crew can also seek help from Fijian Ports officials, or the police. Indonesian crew can go to the Indonesian Embassy and Filipino workers can appeal to the Filipino Overseas Employment Agency. Both of these organisations, however, are based in Suva, some distance from the port the longline vessels use. Moreover, the Indonesian Embassy has been known to take fleeing crew back to the vessel they have escaped from, which puts them back in harm's way. The MEPIR office is more than a kilometre away from the port. Crew would have no easy way of finding out how to get there, they do not have money to travel by bus, they may not be able to schedule an appointment. Crew tend to have low levels of schooling and some are very shy, and foreign crew may also not have good enough English language to negotiate a Fijian bureaucracy.²³

Crew may also seek help from the police, and when physical violence is involved the police may be the right agency. However, as fishing company interviewees pointed out, the police seem not to have an appropriate protocol for dealing with cases of alleged abuse from fishing vessels. That is, police have returned crew to the vessels from which they have fled. Crew do not know where to go for help, so in many cases they do not lodge a grievance case.

21 Barclay K. (2012). Social Impacts. In Blomeyer & Sanz (Ed.), Application of the system of derogation to the rules of origin of fisheries products in Papua New Guinea and Fiji (pp. 155–188). Brussels: Requested by the European Parliament's Committee on Fisheries. Retrieved from <https://op.europa.eu/en/publication-detail/-/publication/e5267b1e-c511-4f94-8863-b6d83b2769c3/language-en>

22 Fiji Fishing Industry Association (FFIA) MSC Group. (2019). Fiji Albacore and Yellowfin Tuna Longline Fishery Certificate Holder Forced and Child Labour Policies, Practices and Measures. Suva, Fiji: Marine Stewardship Council fisheries assessments. Retrieved from <https://cert.msc.org/FileLoader/FileLinkDownload.aspx/GetFile?encryptedKey=XtFGewlBfn6btm18Zuh7Nos2gslk4u3l4ZW8mZ7lJlul0rU4hVteddIH+hkVBu0E>

23 White C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>



Female graduates with Fiji Maritime Academy's CEO Mahesa Abeynayake and WWF Pacific's Duncan Williams and Adriu Iene. The ladies graduated from FMA's Deck Hand Fishing Programme. © WWF-Pacific / Ravai Vafo'ou

Worker representation

Many issues to do with decent work and protection of workers at sea, in processing plants, and in government work, can be progressed through labour organisations such as unions. Workers such as fishing crew who don't fully understand what their conditions of work should be are vulnerable and need a collective organisation, such as a union, to support them. Fijian and foreign crew have the legal right to union membership, but some issues have weakened the union movement in Fiji. In 2011 a complaint about union leaders being harassed and imprisoned was raised to the ILO, which sent a committee to Fiji to investigate. The outcome reached in 2015 was that national problems should be sorted out in a national tripartite (government, employers and unions) body – the Employment Relations Tribunal; this, however, had not been convened as of 2021.

The tribunal would be a good forum for collaboration to protect labour rights for tuna industries because it is whole-of-government. The Ministry of Women is involved, as is the Ministry of Economy. The Ministry of Fisheries could be brought in when necessary. The tribunal can co-opt subcommittees, which might be a more practical, quicker process than the full tribunal, for collaborating specifically on offshore fishing and seafaring activities.

One of the problems for union effectiveness in Fiji in recent years is that the government disallowed pre-salary deduction of union fees for a period. Eventually this rule was dropped, and unions could again deduct fees direct before salaries were paid, but while the rule was in place unions lost many members, and membership rates have not yet recovered. When union membership drops, unions have less income and therefore reduced capacity. Another problem was that the government created a list of 'essential services' job types, where employees are not allowed to strike. This list has gradually been expanded and it is an obstacle to union effectiveness – unions have much less bargaining power if the workers involved cannot strike. Unions are upset with government that the agreement from Geneva regarding establishing the Employment Relations Tribunal is not being honoured, so this is a breach of trust and an administrative blockage for the unions' ability to support workers.

There are some positive things the Ministry of Labour has achieved, which could be built on for the tuna fishing industry. The ministry set up a 24/7 helpline for reporting abuse at work or answering questions about labour relations – possibly this helpline number could be publicised around port areas, in relevant languages. MEPIR has a mediation system and a system for lodging a complaint and having it addressed. Could the mediation system be

used more effectively for grievances for the fishing industry? It would help if MEPIR had some kind of presence at the port used by longliners, an easy way for fishing crew to contact them from the port.

It is even more difficult for foreign workers to have effective union representation while they are in Fiji. There are international seafarer union peak bodies such as the International Transport Workers' Federation. According to stakeholders, in the past there was a seafarers' union with a presence at the wharf which included international seafarers, but not anymore.

According to interviewees, in the past the union representing fishers in Fiji was strong in protecting their rights, but has weakened over time. It is easy for unions to be deregistered if they do not have enough members, or do not complete their bureaucratic obligations, such as having an auditor report done. Once a union is deregistered it is hard to revive; they need to have members paying subscriptions in order to afford staff to undertake union activities.

Private regulation

Fiji's tuna longline fishery is MSC certified, and many of the longline fishing vessels operating in Fiji are covered by that certification. MSC does not certify labour practices, but due to the documented human and labour rights problems in offshore tuna fisheries they do have some forms that certified companies are required to fill out, including one on forced and child labour on fishing vessels.²⁴ At the same time international certifying bodies like Intertek and others also conduct inspections on some of the Units of Certification (companies) to ensure that they comply with standards for their certification requirements. The company that was subject to an import ban by the US is part of Fiji's MSC certified longline fishery²⁵ – so the MSC process for labour did not prevent that problem arising.

The FFIA in partnership with the Fiji Ministry of Fisheries is working with its development partners for the formulation of a code of practice based on international legal frameworks on decent work practices on fishing vessels, such as the FFA HMTTC and the Fiji crewing policy (still under development).

Health checks

Some human rights and labour abuse problems in the offshore fishing industry could potentially be prevented through mandated health-related checks. For example, because of the COVID-19 pandemic, vessels now require approval from the Ministry of Health before going to sea, with negative swab tests from all crew. Fiji's Maritime (STCW Convention) Regulations (2014) under the Maritime Transport Decree 2013 outlines the responsibilities of owners and masters regarding fitness for duty, fatigue, hours of rest, alcohol and drug abuse, manning requirements, training, minimum age, and so on. So far these apply only to merchant vessels, not fishing vessels, but it seems appropriate that similar responsibilities should be required for fishing vessels. Drug, alcohol, physical and mental health checks for the tuna fishing industry would be useful.

Drug abuse is a problem in international seafaring generally, in part because of the opportunities for smuggling, and in part because of the difficult living conditions away from the public gaze, especially on the high seas. Crew members say drug abuse happens in the tuna fishing industry but “no one speaks about it”.

Gender equity and offshore tuna fishing

Fiji's National Anti-Human Trafficking Strategies and Action Plan, launched in 2021, highlights forced labour and sexual exploitation linked to seafaring in general, including the tuna fishing industry. There are national maritime regulations and sexual harassment policies for workplaces that could be used to address these issues within Fiji's EEZ but they are not implemented or enforced effectively.²⁶

As for the Pacific region generally, in Fiji there are gendered negative social impacts from offshore fishing. This includes increased workload for women when men are at sea for long periods, and seafarer men missing out on family life. Men experience most of the labour or human rights abuses on vessels, with the few numbers of women working at sea as observers, quality control officers or crew possibly being even more exposed to such abuses. Both men and women suffer from the high rates of sexually transmitted infections (STIs) among fishing crew, and the high rates of alcohol and drug abuse that are associated with offshore fishing.²⁷

24 Fiji Fishing Industry Association (FFIA) MSC Group. (2019). Fiji Albacore and Yellowfin Tuna Longline Fishery Certificate Holder Forced and Child Labour Policies, Practices and Measures. Suva, Fiji: Marine Stewardship Council fisheries assessments. Retrieved from <https://cert.msc.org/FileLoader/FileLinkDownload.aspx/GetFile?encryptedKey=XtFGewlBfn6btm18Zuh7Nos2gslk4u3L4ZW8mZ7LlJl0rU4hVteddlH+hkVBu0F>

25 White, C. (2021b, September 22). US action shines spotlight on labor issues in Fijian fishing fleet. Seafood Source, pp. 1–4. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/us-action-shines-spotlight-on-labor-issues-in-fijian-fishing-fleet>

26–27 Vunisea, A. (2021). Gender Mainstreaming in Fiji's Offshore Tuna Industry. Suva, Fiji. Retrieved from <https://wwfasia.awsassets.panda.org/downloads/gender-mainstreaming-in-fiji-s-offshore-tuna-industry-report.pdf>

In 2020 the Fijian tuna longline tuna industry employed 1,429 men and 126 women in all its activities, including fishing, processing, cold storage, engineering workshop, and administration, finance and management. In the fishing part of operations 1,032 men and five women were employed.²⁸ Women who work for the tuna longline fishing companies based in Fiji almost all work in the onshore facilities, particularly in office work and processing facilities, including in management roles, with only a handful working on fishing vessels.²⁹ Women working as crew on Fijian fishing vessels have been supported by New Zealand Government-funded training of future women seafarers at the Fiji Maritime Academy (FMA). In Fiji, women have long been working in shipping as crew and officers with merchant marine vessels, tourist catamarans and fishing charters and the Navy, but they have not been a presence on tuna fishing vessels. The outcomes of the initiative to train more women in longline fishing had yet to be assessed as of 2022.

There is a labour shortage, so companies would prefer to be able to recruit women as well as men, according to the industry association Pacific Islands Tuna Industry Association (PITIA). Some companies have encouraged women to train and qualify as crew and officers. However, most companies have old vessels with cramped living conditions, and managers believe these vessels are not well suited to mixed gender crews.

Case study: women working in Solander Pacific



In Fiji tuna longline fishing company Solander Pacific, the General Manager and Human Resources manager are both women. Solander has had 10 women working on vessels over a period of some years, and has found no problems from an operational perspective. The wives of male crew sometimes complain about mixed gender crews. Solander vessels are more than 40 years old, so the bunks are not separated, and the toilet and shower facilities are not very private. Crew themselves worked out a way to use the facilities with privacy. New vessels will enable more privacy for mixed gender crews. One of the women who worked with Solander for some years has been taking further training to become Fiji's first woman captain and fishing master.

27–28 Vunisea, A. (2021). Gender Mainstreaming in Fiji's Offshore Tuna Industry. Suva, Fiji. Retrieved from <https://www.fasia.awsassets.panda.org/downloads/gender-mainstreaming-in-fiji-s-offshore-tuna-industry-report.pdf>

Workers processing the paperwork for tuna export at Golden Ocean Fish Limited's processing facility in Suva, Fiji. © WWF-Pacific / Jason Chute.



Some of the barriers to women working as fishing crew are cultural beliefs, social and religious norms and gender stereotypes. Some people judge women who work on fishing vessels as being ‘bad women’ and sometimes stigmatise women fishing crew publicly (see the case study in Module 7 on shaming women who go to sea).³⁰ Traditional perceptions of women’s roles are that women should perform domestic duties and caregiving around the home. Women’s conventional fishing roles are confined to gleaning, line fishing, netting and other methods of coastal fishing. Offshore fishing and work on vessels is seen as men’s domain. Women who go to sea may be portrayed as ‘living with men’ with open bunk areas, washing and toilet facilities. Some people – both women and men – frown upon women who go to sea. Some of the comments made in interviews for a study published in 2021 included:³¹

- What are these women doing going off on vessels for weeks or months leaving men or relatives to do their traditional chores at home?
- Why are we trying to engage women in this industry when they can be usefully engaged elsewhere?
- These women will just get themselves pregnant.
- There are cases of drunken brawls and mutiny against the captain on vessels – this is no environment for women.
- It is an added burden to fishing industries to address sexual harassment or put in place new reporting and enforcement mechanisms. Companies do not want to be responsible when women are badly abused, raped, and so on.

The important thing to remember here is that rape, sexual harassment, drunken brawls and other violence are already occurring on some fishing vessels. The presence of women on board has not created these problems, and these problems exist whether women are there or not. Pregnancies do not occur between men, but sexually transmitted infections do, so condoms and sexual health education should be part of crew life even if there are no women crew. Rather than shaming people who are going into a new area of work, the response could be to improve shipside working and living conditions and organisational culture for everyone. Women working on offshore fishing vessels do not have to be seen as ‘going against culture’. Pacific cultural traditions can promote HR and GESI (see Module 1 section on Pacific cultures and gender for more details of HR and GESI in Pacific cultural traditions).

HR and GESI in port areas

The social concerns around port areas exist in Fiji as they do in other ports in the Pacific (see Module 4). These include high rates of alcohol use and transactional sex, with negative consequences on health, rates of violence, including gender based violence, and STIs. Stakeholders involved in developing this handbook say that things have changed over time. Twenty or thirty years ago transactional sex happened on the boats while they were in port. But with increased security around ports since the early 2000s this is no longer possible. Sex activities moved away from the port areas to motels in town. This means the transactional sex has moved farther underground and the port-related activities are spread over a wider geographical area.

The fact that Nadi in Fiji is a regional air transportation hub means some of these problems occur also around Nadi. For example, I-Kiribati and Tuvaluan seafarers transit through Nadi to get home. Most of these are from merchant vessels, but some are tuna fishing crew. Transactional sex appears to be part of the recreation of transiting seafarers in Nadi. According to interviewees, the hotels where seafarers stopover facilitate transactional sex.

The services offered in and around port areas for seafarers are crucial to improving HR and GESI. The Anglican Church NGO Mission to Seafarers has had a presence at the Kings Wharf in Suva in the past. According to interviewees, it is currently not operating, although websites still list a range of services including: internet, telephones, billiards, table tennis, small shop selling snacks and communication equipment (USBs, SIMs, phone recharge cards) and a top-up service for phones with local SIMs, even while vessels are at sea.³² These kinds of services make a big difference to the well-being of seafarers, so it would be beneficial to offer them.

Mission to Seafarers also supports stranded foreign seafarers and works with the International Transport Workers Federation (ITF) and other organisations to repatriate them, and to raise public awareness about seafarer grievances when employers fail to respond satisfactorily.³³

30 Vunisea, A. (2021). Gender Mainstreaming in Fiji’s Offshore Tuna Industry. Suva, Fiji. Retrieved from <https://www.fasia.awsassets.panda.org/downloads/gender-mainstreaming-in-fiji-s-offshore-tuna-industry-report.pdf>

31 Vunisea, A. (2021). Gender Mainstreaming in Fiji’s Offshore Tuna Industry. Suva, Fiji. Retrieved from <https://www.fasia.awsassets.panda.org/downloads/gender-mainstreaming-in-fiji-s-offshore-tuna-industry-report.pdf>

32 <https://www.missiontoseafarers.org/suva/>; <https://www.wellnessatsea.org/seafarer-centres/the-mission-to-seafarers-suva/>

33 International Transport Workers’ Federation. (2021b, October 15). Filipino seafarers exploited by Fiji’s Goundar finally make it home. International Transport Workers’ Federation (ITF) Media Release. Retrieved from <https://www.itfseafarers.org/en/news/filipino-seafarers-exploited-fijis-goundar-finally-make-it-home>

Case Study – CSOs supporting seafarers – Mrs Viti Whippy

Viti Whippy has long been involved in supporting seafarers visiting Fiji. She has been an active member of the Anglican Church regional Pacific Mission to Seafarers for 30 years.

In 2005 Mrs Whippy was employed by the then Secretariat to the Pacific Community (SPC) in their HIV programme. At that time the Asian Development Bank (ADB) funded seafarer drop-in centres in Tuvalu, Kiribati, Marshall Islands, Solomon Islands and Vanuatu. The centres were to provide a supportive environment for seafarers and their families, for information and assistance on HIV and other sexually transmitted infections. When the ADB opened a new centre in Fiji, Mrs Whippy managed it.

The Anglican Church House of Sarah has provided housing for seafarers and families, with assistance from Mrs Whippy, but she has now retired from actively working with seafarers. As of 2022 there was a Mission to Seafarers Centre situated at the Kings Wharf in Suva, and it is the first point seafarers visit to pray when they get off their vessels. The Centre works with the Fiji Ports Corporation Limited.

A new Seafarers Centre is being constructed near Walu Bay in Suva. This will be part of the Institute of Marine Officers Guild, and will offer psychological support to crew with mental health problems, and accommodation for visiting seafarers.

HR and GESI in onshore processing

PAFCO is one of the Pacific's medium-scale tuna loin processing and tuna canning plants for local and overseas markets. The main processing plant is based in Levuka, with the executive headquarters located in Suva. PAFCO is owned by the Fijian Government but the processing plant is managed by Bumble Bee Foods, which is a USA canned tuna brand, owned by Taiwanese FCF Co, which is a fishing and tuna supply chain company that supplies the fish for the factory.

Women make up the majority of workers in PACFO's processing section, however they are also employed in all operational sections and in maintenance. They are forklift drivers, they work in finance, human resources, prepare raw materials and do quality assessment. Most workers in the processing section are casual workers from the villages around Levuka and Motoriki Island.

There has been on-the-job training for all workers, and women are encouraged to do further studies and to engage in other activities to ensure there are other sources of livelihood for their families. PAFCO has been engaged with the International Finance Corporation (IFC, World Bank Group), with support from FFA, to conduct an analysis for causes of absenteeism and generate solutions to improve attendance. This follows the successes from similar work undertaken by SolTuna in Solomon Islands with IFC consultants. As of 2021 the work was ongoing but had been delayed and changed due to COVID-19 restrictions.

Worker voice

According to the ILO, National Union of Workers' (NUW) rights have been largely curbed by the Fiji Government over a period of years and as of 2021, the union was not fully functioning, however it is slowly improving.³⁴ This has had impacts on worker voice for all industries in Fiji, including the tuna industry.

According to management 60% of PAFCO workers are NUW members as of 2023, including casual workers. NUW is also affiliated with the National Union of Factory and Commercial Workers (NUFCW) and some PAFCO workers are also members of NUFCW. PAFCO's in-house staff association is called the Workers' Association which is not affiliated with a national union. According to the company's management the Worker's Association has only a small number of members and while it had gone defunct, management confirmed that it has been revived in 2023. All log of claims is raised by the Union members with the National Union that they are part of. These claims are then negotiated between the management and Union representatives which includes both PAFCO workers' representatives and the Unions' national representatives.³⁵ Processing lines require long hours of standing on wet concrete, which has been associated with knee and lower back pain and numbness in feet. Processing line workers now have breaks to take a rest in their hours of work. In the past workers have raised complaints about allowance payments not paid, long hours of standing, maternity leave, leave arrangements not honoured, overtime pay not

34 International Labour Organization. (2011). ILO Director-General's expressed concern on trade union developments in Fiji. Retrieved from [https://www.amnesty.org/fr/wp-content/uploads/2021/07/asa180032011en.pdf](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_160472/lang-en/index.htm#:~:text=The%20ILO%20Director%20General%2C%20Juan,decree%20concerning%20Essential%20National%20Industries%20;AmnestyInternational.(2011).WarningonFijigovernmentplan to severely restrict worker's rights. Retrieved from <a href=).

35 PAFCO management statement, 2023.

paid, and disputes about meal allowances and pay.³⁶ According to PAFCO human resources department, “working conditions have improved, although there remain some worker issues that need to be addressed”.³⁷ Management confirmed zero unresolved employee grievance issues as of 2023 and mentioned that night shift workers and those working overtime are being provided free transportation while protective clothing, equipment and footwear is provided. In addition, management highlighted their vision towards the promotion of an “all-inclusive approach for workers”³⁸ to further improve working conditions. PAFCO management has been working with the International Finance Corporation (IFC) on gender lens human resources projects including financial literacy training for staff on low incomes.

After a strike by PAFCO workers in 2003, a Memorandum of Understanding (MoU) was signed between the company and the Workers’ Association. PAFCO also works closely with the Provincial Council. PAFCO workers are represented at district and community meetings when issues arise around domestic violence-related absenteeism, or perceptions that some communities are being prioritised over others for worker recruitment.

Gender equity

As of 2021 PAFCO had two women among seven senior managers. The President of the Workers Association was a woman. Fifty percent of all middle management positions were held by women.³⁹ PAFCO’s workforce was 66.5 percent women. Women work mainly in the processing part of operations (88 percent of processing department employees were women in 2021). Around half of support workers are women (see Table 9.1).⁴⁰

Table 9.1 Gender disaggregated employment in PAFCO 2020–2021

Department	Male	Female	Totals
Butchering	53	12	65
Wet process	70	444	514
Mould/plate	27	55	82
Canning	7	11	18
Labelling	2	11	13
Fishmeal	6	0	6
Totals processing workers	165	533	698
Quality assurance	28	31	59
Automotive	7	0	7
Raw materials and logistics	53	18	71
Plant maintenance	36	1	37
Human resources	14	19	33
Finance	2	3	5
Totals support workers	140	72	212
Totals all workers	305	605	910

Source: Vunisea, A. (2021). Gender Mainstreaming in Fiji’s Offshore Tuna Industry. Suva, Fiji. Retrieved from https://wwfasia.awsassets.panda.org/downloads/gender_mainstreaming_in_fiji_s_offshore_tuna_industry_report.pdf, p. 8.

36 Vunisea, A. (2021). Gender Mainstreaming in Fiji’s Offshore Tuna Industry. Suva, Fiji. Retrieved from https://wwfasia.awsassets.panda.org/downloads/gender_mainstreaming_in_fiji_s_offshore_tuna_industry_report.pdf

37 Vunisea, A. (2021). Gender Mainstreaming in Fiji’s Offshore Tuna Industry. Suva, Fiji. Retrieved from https://wwfasia.awsassets.panda.org/downloads/gender_mainstreaming_in_fiji_s_offshore_tuna_industry_report.pdf

38 PAFCO management statement, 2023.

39–40 Vunisea, A. (2021). Gender Mainstreaming in Fiji’s Offshore Tuna Industry. Suva, Fiji. Retrieved from https://wwfasia.awsassets.panda.org/downloads/gender_mainstreaming_in_fiji_s_offshore_tuna_industry_report.pdf



Fishing crew of fishing vessel Captain Van about to embark on a fishing trip. © WWF-Pacific

Action points: how can HR and GESI be improved in Fiji's tuna industries?

National regulation of crewing conditions

Good international and regional frameworks exist for conditions for fishing crew that could protect against HR and labour abuses, such as the FFA HMTTC Section 9, and the ILO C188 Work in Fishing Convention. In addition, the WCPFC is working on a binding measure for labour conditions. These international and regional measures need to be legislated for and implemented nationally. Fishing industry stakeholders want the Fijian Government to ratify and implement domestically the STCW-F and the ILO C188, to help ensure Fijian crew are treated fairly at sea. They also want the government to speed up progress on the national crewing policy.

In addition, there are already national regulations in place that could help address crewing conditions right now. Distant water fishing nations such as the USA and Taiwan could make sure that their domestic labour regulations are applied to crew working on fishing vessels flagged in their countries and operating in Fijian waters. Some of the problems that occur on Fiji-flagged fishing vessels can already be addressed if Fiji government agencies were to act on existing legislation. These problems include: lack of or inadequate contracts, hiring of uncertified crew, unsafe working conditions, charging crew for personal protective equipment, and low wages. The relevant government agencies are: MEPIR, Ministry of Fisheries, Immigration Department, and the Maritime Safety Authority of Fiji.

Multi-stakeholder forum

A key action the Fijian Government can take to improve HR and GESI in tuna industries is to establish and convene a multi-stakeholder forum for offshore fisheries, as is required by the Offshore Fisheries Management Act (2012). According to interviewees, in 2019 the Ministry of Fisheries convened a workshop with WWF-Pacific and FFIA to look at social responsibility requirements. Participants found it very helpful and the aim was then to establish the multi-stakeholder platform, which could include human and labour rights and other cross-sectoral issues, but as of 2021 the platform had not been convened. It could be something like an Advisory Board, to inform government. This kind of forum would be ideal for working out a protocol for handling grievances and distressed seafarers, both of which currently often 'fall between the cracks' between jurisdictional bodies. For example, the forum could oversee development and placement of multi-lingual posters in the port and wharf areas on labour rights and who to contact in case of problems. The forum could investigate the possibility of having a MEPIR presence in wharf areas so crew can easily ask questions and make complaints.

A multi-stakeholder forum would also be useful for working on other social issues, like those around port areas, where cross-sectoral issues come up. For these topics, membership should include representatives of services around port areas, such as support for sexual health and gender-based violence. The forum should also include women's organisations, NGOs representing seafarers and their families, and unions.

Employment Relations Tribunal

If the Fijian Government were to establish and convene the tripartite Employment Relations Tribunal as agreed in 2015, unions might be strengthened in their work to address labour rights abuses.

Gender-lens business solutions for absenteeism in tuna processing

It should be possible to build on learning from the ongoing IFC work on absenteeism in PAFCO for ideas that improve the working lives of processing workers. These learnings could be applied in other tuna processing businesses in Fiji.

HRBA-lens business solutions for absenteeism in fishing crews

The Ministry of Fisheries could contract social researchers to investigate the problem of crew failing to turn up at their vessel, creating the need for last-minute hires. Which crew do turn up, what makes them willing to turn up? Which crew fail to turn up to the vessel, and what are the factors causing them to fail to turn up? What can be done to improve the situation? What are the problems associated with last-minute hires, and can anything be done to make this system work better for both industry and last-minute hire crew? What lessons can be learned from NFD in Solomon Islands, which has had almost fully localised crew, including qualified senior crew, since the 1990s? Are crew joining because of the lack of employment alternatives, or are they actively seeking careers as fishing crew members, with a passion for ocean work? If not the latter, why not?

The solutions may include raising awareness and capacity building around contracts in communities from which crew are recruited. Information about the industry – what working as crew entails, the hardships, the requirements, the sacrifices one has to make – is necessary information that young people thinking about working in offshore fishing and their families need to know to be able to adjust to seafaring life.

Acronyms

C188	International Labour Organization (ILO) Work in Fishing Convention No. 188 (2007)
CSO	civil society organisation
FFA HMTc	(Pacific Islands) Forum Fisheries Agency Harmonised Minimum Terms and Conditions for Access By Fishing Vessels
FFIA	Fiji Fishing Industry Association
GESI	gender equity and social inclusion (outside this handbook the word 'equality' is usually used, rather than 'equity', in GESI)
HIV	human immunodeficiency virus
HR	human rights
HRBA	human rights-based approaches
ILO	International Labour Organization
MEPIR	Ministry of Employment Productivity and Industrial Relations
MSAF	Maritime Safety Authority of Fiji
MSC	Marine Stewardship Council
MTD	Maritime Transport Decree (2013)
NFD	National Fisheries Development, a tuna fishing company in Solomon Islands
NGO	non-governmental organisation
PPE	personal protective equipment
SPC	Pacific Community
STCW	Convention – International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978)
STI	sexually transmitted infections
WCPFC	Western and Central Pacific Fisheries Commission

