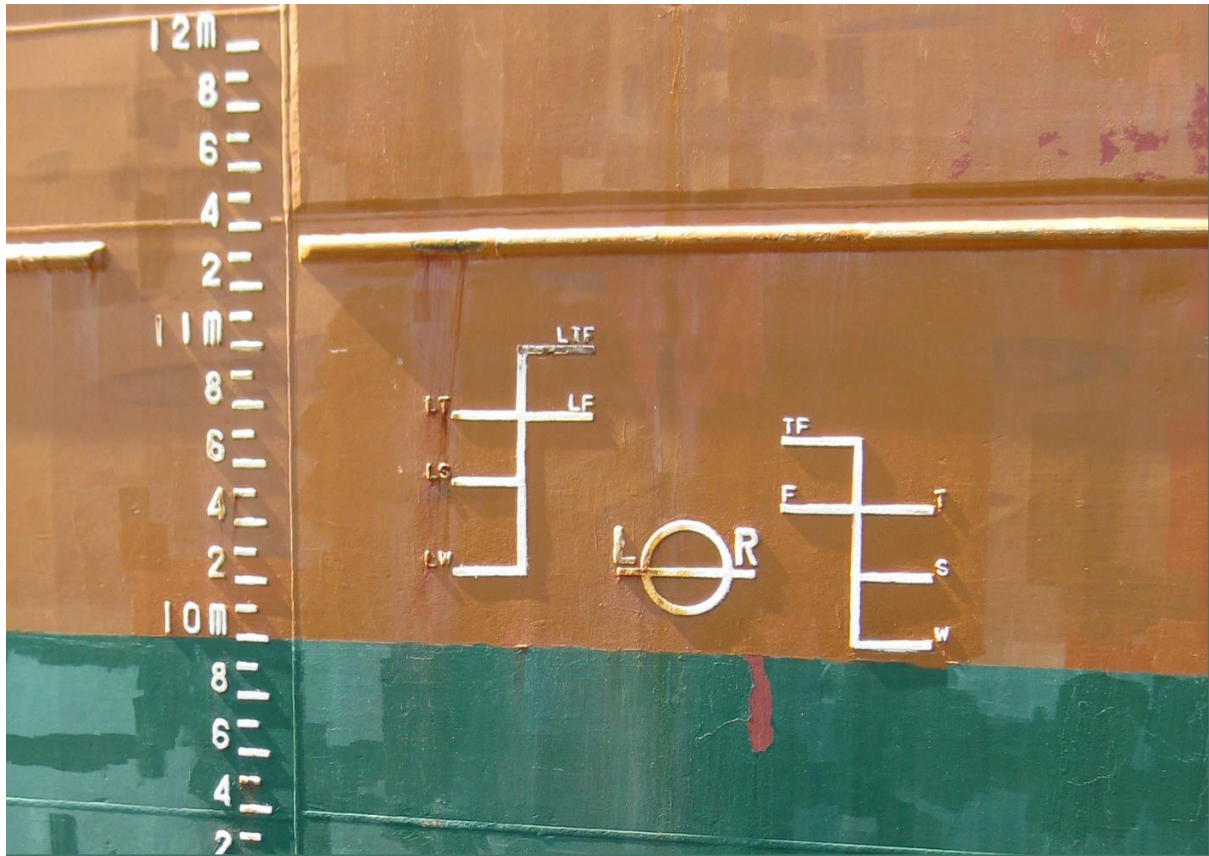


CLGP

Centre on Labour and Global Production

Labour Regimes at Sea: Workshop Report

Working Paper 1/2022



LABOUR REGIMES AT SEA

Workshop Details:

26th May, 2022
13.30-18.00

Location:

Graduate Centre- Room GC201
Queen Mary University of London,
Mile End Campus E1 4NS.

Organiser:

Centre on Labour and Global Production,
Queen Mary University of London.

Hyunjung Kim
Siddharth Chakravarty

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Participants:

Hyunjung Kim-Queen Mary University of London,
Jeremy Anderson & Michal Rozworski- International
Transport Workers' Federation, Liam Campling-
Queen Mary University of London, Mads
Barbesgaard-Lund University, Mallory MacDonnell-
York University, Melissa Marschke-University of
Ottawa, Penny McCall Howard-Maritime Union of
Australia, Peter Vandergeest-York University,
Siddharth Chakravarty-Queen Mary University of
London

Discussants:

Alex Colás-Birkbeck University, London
Elena Baglioni-Queen Mary University of London

Labour Regimes at Sea

Abstract

A Centre on Labour and Global Production workshop 'Labour Regimes at Sea' was held at Queen Mary University of London on 26 May 2022. This working paper compiles the original concept note and session design, the list of participants and a report on the discussion. The workshop was organised by Hyunjung Kim and Siddharth Chakravarty, and the workshop report drafted by Jack Sergeant.

Background

There is a growing academic and activist interest in 'labour regimes' – 'the combination of social relations and institutions that bind capital and labour in a form of antagonistic relative stability in particular times and places' (Baglioni et al. 2022: 1). In parallel, since the 2010s there has been a rapid rise of interest in critical maritime studies, maritime political ecology, and 'thinking with the ocean' (Bennett 2019; Havice and Zalick 2019; Campling and Colás 2021). This workshop brought together people interested in the intersection of labour and the sea and sets out with a discussion based on a series of questions comparing the diverse experiences and geographies to interrogate the puzzle: what are labour regimes at sea?

Since the mid-2010s, a wide incidence of extreme forms of labour relations at sea have been reported, wherein the term 'slavery at sea' is often used to describe working and living conditions. Workers in industrial fishing are considered most prone to abuse and extreme exploitation, as highlighted in the public domain after a series of media exposures (Associated Press 2015). While working conditions in maritime transport are generally believed to be relatively better off than in the fishing sector, recent stories of seafarers stuck on merchant ships (Williams, A. and Hammond Esq., D. 2021) as a result of the global Covid pandemic highlight their peculiar positions and conditions of work at sea.

Despite the importance of maritime workers to the global economy, their labour remains marginal to discussions of 'oceans issues' in a plethora of global policy dialogues. One reason could be closely related to the distinctive challenges that the 'sea' poses on workers – as well as the study of workers: their remote conditions of work at sea make them invisible, while often complex labour relations on board constrain the possibility of more active engagement, both in advocacy and academic approaches. Where breakthroughs do take place, they often deploy the politics of rescue, in turn limiting the examination of the conditions under which workers live and work. To synthesise these approaches, this workshop was envisaged as an invitation to engage with the subject of workers at sea by exploring the particularities of contexts and relations within which at-sea workers are located.

Sessions

The workshop was divided into two sessions, with the aim of each session to respond to a thematic question.

Session 1. What are labour regimes at sea?

Q1. What difference does the sea make to working lives?

This session is intended as a broad discussion on the relations between the sea and labour focusing on working condition onboard, ships as a work and life space, labour force composition, and recruitment processes. Some example points for engagement are: what are the specificities of production of movement, seafood, minerals and/ or energy at sea (e.g., deep sea mining, offshore wind farms, oil platforms etc)? What aspects of work-at-sea influence labour relations on board? Is labour at sea

distinctive, if so, in which ways? If not, why not? What is the role of path dependence of historically inflected working conditions, militarised training corporal punishment, etc? Why do fisheries appear to be so exploitative? Or is this specific to geographies and/ or scales (e.g. small scale vs. industrial)?

Q2. How can we usefully talk about the ‘materiality’ of the sea?

This session is more theoretically focused on the oceans as a space/place, and its boundaries as constantly being socially produced. Some example points for engagement are: what is ‘materiality’? In what ways does materiality shape labour relations at sea? What differences do ecology, oceanography and the natural forces of the global ocean make? What are the articulations of the human and non-human in the ocean? In which ways do different ecologies shape – and are shaped by – commodity production/ extraction? What are commonalities and differences within the materiality of the sea? What are common elements to all oceanic (sub)regions? And what are crucial differences among them? Are these materialities historically constituted and socially produced and in which ways?

Session 2. What are the implications of at-sea labour regimes for governance reform, regulation, and labour struggles? And what is to be done?

This session is to explore the application of academic debates to policies on working conditions at sea. Some example points for engagement are: how do businesses, states and civil society seek to address labour regimes at sea? What is the role and effect of ILO and other regulation such as EU rules in shaping labour standards and working conditions at sea? How and in what ways can crew working on boats become better self-organised? What are the points of solidarity on-shore with other workers, civil society organisations, with consumers?

Participants

In person participation:

- Hyunjung Kim, PhD Candidate, School of Business and Management, QMUL
- Jeremy Anderson, Head of Strategic Research, International Transport Workers’ Federation
- Liam Campling, School of Business and Management, QMUL
- Mads Barbesgaard, Department of Human Geography, Lund University
- Mallory MacDonnell, Doctoral Student, Graduate Programme in Geography, York University
- Siddharth Chakravarty, PhD Candidate, School of Business and Management, QMUL

Online participation:

- Melissa Marschke, Dept. of International Development & Global Studies, University of Ottawa
- Michal Rozworski, Strategic Researcher, International Transport Workers’ Federation
- Penny McCall Howard, National Research Officer, Maritime Union of Australia
- Subir Sinha, SOAS
- Peter Vandergeest, Department of Geography, York University

Chairs:

Session 1: Alex Colás, Department of Politics, Birkbeck, University of London

Session 2: Elena Baglioni, School of Business and Management, QMUL

References

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- Baglioni, E., Campling, L., Coe, N.M. Coe and Smith, A. 2022. 'Introduction: Labour Regimes and Global Production'. In: *Labour Regimes and Global Production*, eds. Elena Baglioni, Liam Campling Neil M. Coe and Adrian Smith. Newcastle upon Tyne: Agenda
- Nathan J. Bennett. 2019. In Political Seas: Engaging with Political Ecology in the Ocean and Coastal Environment, *Coastal Management*, 47:1, pp.67-87
- Campling, L. and A. Colás 2021, *Capitalism and the Sea*, London: Verso
- Havice, E. and Zalik, A., 2018. Ocean frontiers: epistemologies, jurisdictions, commodifications. *International Social Science Journal*, 68(229-230), pp.219-235.
- Williams, A. and Hammond Esq., D., 2021. *Stamping on Seafarers' Rights during the Covid-19 Pandemic*. [online] Havant: Human Rights at Sea, pp.1-26. Available at: <https://www.humanrightsatsea.org/sites/default/files/media-files/2021-12/HRAS_Stamping-on-Seafarers-Rights_REPORT_10DEC21_SP.pdf> [Accessed 12 April 2022].

Workshop Report

Session One

The first session of the Labour Regimes at Sea workshop, chaired by Alex Colás (Birkbeck), posed three central questions. What are labour regimes at sea? What difference does the sea make to working lives? And how can we usefully talk about the materiality of the sea?

In the opening response, Melissa Marschke (University of Ottawa) drew attention to the persistent problem of 'silent' labour abuses at sea, notwithstanding recent research into labour scandals in Thai, Taiwanese, Chinese and EEC fisheries. Marschke drew attention to labour conditions in raft fisheries in Myanmar, where the tidal nature of work and the lack of adequate rest exacerbates risks posed by weather events, such as typhoons, to three-man rafts. Introducing a theme that would recur throughout the workshop, Marschke noted that fishers are generally afforded less legal protection than other seafarers, despite the particularly perilous nature of their work. Nevertheless, Marschke explained that the Covid-19 pandemic generated problems for seafarers in general: in some cases, stranded aboard for over two years and unable to travel home, maritime workers faced considerable pressures to extend their working contracts, exacerbated by cases in which seafarers were identified as threats to public health and refused permission to dock by port authorities.

The differentiated nature of fishwork formed the basis of Mallory MacDonnell's (York University) response, which drew attention to living and working conditions on board distant water vessels operating from Taiwan. Whereas the work on 'squid jiggers' or 'lift netters' catching squid and saury is seasonal, consistent and largely automated, MacDonnell explained that conditions aboard longliners fishing for tuna and other large fish are very different. Operating with smaller crews and more changeable fishing routes, longliners required the majority of fishers aboard to participate in the perilous work of hauling in the main lines, frequently involving water washing overboard. The presentation included video footage recorded aboard squid jiggers and tuna longliners, and cited interviews and diagrams produced with and by fishers during MacDonnell's fieldwork.

A further exploration of longline fishing was offered by Hyunjung Kim (QMUL), who focused on the particularity of labour regimes generated by the organisation of the Japanese sashimi industry. Sashimi requires the longline fishing of tuna in very deep waters: the migratory nature and slow reproduction rates of the desired species generates considerable uncertainty for fishers, who are often at sea for very long periods. Fishing vessels tend to stay on the high seas for as long as possible to avoid access costs and other regulations, and the sashimi 'cold chain' is maintained by transshipment at sea. Turning attention to the political economy of sashimi, Kim noted that whereas wages for fishers used to be based on a profit share system, migrant crews are now paid a fixed wage, and tend to be tasked with the physically demanding work of baiting and lowering thousands of hooks, and processing and storing the catch. Profit margins are squeezed by the commercial power of Japan's four major sashimi dealers, and when catches are low, the labour extracted from fishers intensifies into a constant casting and hauling.

Peter Vandergeest (York University) addressed the theme of the distinctiveness of maritime labour with a focus on industrial distant-water fisheries. Vandergeest drew out similarities and differences between

maritime labour and other forms of land-based work. Much like domestic workers, fishers experience overlaps between their living and working spaces, and their legal status is sometimes bound to their employment. However, fishers experience a total physical spatial confinement aboard vessels, and workers are nearly all men, creating a highly masculinised labour that would benefit from greater scholarly attention. Though work at sea is not recognised as inherently immoral or criminal, Vandergeest noted that there are also some similarities with sex work, particularly insofar as anti-human trafficking protocols frequently treat migrant workers as victims. To this end, Vandergeest expressed wariness towards a 'policing' or criminal law approach as a means to improve protections for maritime workers. Finally, Vandergeest's response noted similarities with agricultural work, not only insofar as the work involves interaction with the biophysical environment. The unique urgency of this work is used both in agriculture and fishwork to justify exclusions from employment regulations, as in Ontario, where agricultural labourers are unable to unionise. In concluding comments, Vandergeest cautioned against emphasising the peculiarity of maritime labour to the extent that it is used to justify exemptions of maritime workers from basic rights.

Penny Howard (Maritime Union of Australia) took up the theme of spatial confinement in a discussion of relations of domination among seafarers, who have to live according to a strict hierarchy at sea. Howard's response observed a structural contradiction between the idea of good seamanship and being a good fisherman, generated by the fundamental compulsion towards value maximisation. Building upon Vandergeest's analysis of the similarities between maritime and agricultural labour, Howard noted that the relations of production at sea are obscured by an 'ideology of nature' that echoes the separation of the rural and the urban with the rise of capitalism. The sea, in Howard's words, is constructed as a 'wilderness', legitimising a mode of thought in which onshore labour regulations are recognised as ineffectual or entirely inapplicable. Nevertheless, Howard emphasised that seafarers have been able to create better working conditions, and drew on the ITF Seafarers' Flag of Convenience campaign as an example of this in action.

From the ideological construction of the 'wilderness' of the sea, Mads Barbesgaard (Lund University) shifted attention to the 'obscuring' role of scale in fisheries literature. Countering accounts that assume better labour conditions exist in small-scale fishing, or that such economies exist outside of capitalism altogether, Barbesgaard presented an analysis of a small fishing village in Myanmar, in which dwindling fish stocks and the incursion of offshore vessels led local boat owners to transform the labour regime, introducing a contract system for fishing and processing differentiated by gender and age. Local road networks built by French oil multinational Total opened the village up to new forms of merchant capital, in which boat owners often fell into debt to merchants selling their catch at large profit margins. In these cases, boat owners often sought to abandon fishing altogether, and buy up land for rubber production. Barbesgaard concluded by noting that far from constituting capital's 'other', such small-scale fishing villages are penetrated by capitalist social relations.

In a similar vein, Siddharth Chakravarty (QMUL) concluded the first round of papers by asking why fishing continued in the Indian state of Goa during the early unfolding of the Covid-19 pandemic. Chakravarty argued that this was due to the particular social and geographical (dis)location of Adivasi migrants, who were often employed by Goan boat owners to work in long fishing cycles of up to ten months. Operating in waters described by Chakravarty as a 'jurisdictional vacuum', the expansion of Goan fisheries outwards has led to the targeting of new species, leading to more unpredictable hauls

and the intensification of labour extracted from workers. Returns are uncertain and outcomes diverse, with fish variously bound for export and local markets, trash fish poultry markets, or for use as fishmeal. In concluding remarks, Chakravarty argued that it was precisely the vulnerability of the Adivasi labour force that enabled fishing to continue in Goa during the outbreak of Covid-19. Their unfamiliarity with Goa's institutional framework as migrant workers, combined with the generally isolated nature of fishwork, ensured that these Adivasi seafarers experienced a 'double alienation' that rendered them particularly susceptible to labour exploitation.

The ensuing discussion drew out a number of themes common to the seven opening responses. Perhaps most prominent were questions of *how* and *why* fishers are generally less active or successful than other seafarers in shaping their working conditions. Jeremy Anderson (International Transport Workers' Federation [ITF]) noted that there are considerably higher levels of union density among seafarers than fishers, with the former afforded protections through the Maritime Labour Convention and international collective bargaining agreements—albeit with both industries engaged in a 'global race to the bottom'. Liam Campling (QMUL) highlighted the potential for the *materialities* of different forms of maritime labour to help explain these differences. Rather than taking place in a uniform 'sea', we should think of maritime labour regimes as terraqueous, always in relation to the land, in which different economic imperatives and ecological materialities generate differentiated forms of labour and exploitation. Returning to the question of why fishers have been less active in shaping the conditions of their work, Campling noted that on high-tech tuna fishing boats subsidised by European capital, crews are highly unionised, albeit through national unions. With workers aboard these vessels normally drawn from up to six different countries, crews generally belong to several different unions, foreclosing or obstructing the possibility of their collective organisation. In some cases, regulation has proven useful in efforts to improve the working conditions of seafarers. This has involved organisations like the ITF, which has played a major role in disciplining capital and developing south-south co-operation, including through efforts to create labour standards across vessels.

Responding to Chakravarty's paper on the participation of Adivasi migrants in Goan fishwork, Subir Sinha (SOAS) raised the possibility for thinking about the composition of maritime labour through the frame of Antonio Gramsci's analysis of deskilling. Sinha proposed that the employment of inexperienced (or entirely new) workers at sea may represent, from the point of view of capital, a tradeoff between an absence of skill or experience and the ease of exploitation. Campling suggested that boats at sea for relatively short periods of time may require a more highly skilled crew than those at sea for long or indefinite periods—as for example in tuna longlining, in which the cost-price squeeze is produced by large trading companies in Japan versus purse fisheries with a much greater ability to extract massive profits. Meanwhile, Vandergeest and Barbesgaard highlighted the need to connect maritime labour regimes to broader political and economic ecologies, in which we ask *how* people—often migrant workers—ended up on particular vessels, *where* they are coming from, and *why* this compels them to accept certain kinds of labour. As Campling noted, this might also involve considering how the captain's traditional role as sovereign aboard the vessel is constrained by onshore imperatives: e.g. owner-operators who frequently do not participate in the work at sea, or corporations that own fleets of shipping vessels. Different logics operate within the same value-chains: some highly financialised, some state owned, and others governed by more classic manufacturing logics.

The opening session concluded with a return to the ideology of nature, as discussed by Penny Howard. Elena Baglioni (QMUL) called for a strategic response to the way that capitalism has constructed the sea as a wilderness, and a consideration of how ideas of its distinctiveness can be used in different discourses, both on the side of capital and of labour. Baglioni suggested we might *class* the sea's distinctiveness, considering how it can be used to justify harsh labour conditions, but also how the nuances of maritime labour, including the migratory patterns of workers, might bring about a counter-narrative of the sea's materiality.

Session Two

The workshop's second session, chaired by Elena Baglioni, asked what are the implications of at-sea labour regimes for governance reform, regulation and labour struggles? And what is to be done?

The session opened with an introduction by Jeremy Anderson to the topic of maritime labour regimes and the 'just transition'. Anderson noted that in spite of its major contribution to global emissions, only a fraction of shipping capital recognises the seriousness of climate change. International shipping is excluded from the Paris Agreement and sets its own environmental targets. Anderson emphasised that the 'just transition' is not simply about mitigating job losses as a by-product of climate policy, but also anticipating and responding to changes in the content of labour. What, for example, are the health and safety implications of future shipping dependent on vessels powered by hydrogen, ammonia, batteries or nuclear power? Though a focus on the training of seafarers might lead to a more highly skilled workforce, it could also lead to a greater work intensity and place greater burdens on seafarers by raising the cost of certification. As such, Anderson explained that the ITF are working to explore strategies of collective action among workers, while also entering into discussions with employers and agencies to establish a green transition taskforce in which workers have a voice.

Michal Rozworski (ITF) explained that transformations in maritime labour regimes have historically been driven by technological change—though this has traditionally been imposed upon seafarers rather than with their co-operation. The 'just transition', it is hoped, offers an opportunity for seafarers to participate in shaping the conditions of their labour. Though the ITF are not yet in formal negotiations with employers, they are currently undertaking lobbying and research-sharing exercises that underscore the responsibilities of corporations towards their stakeholders. This is in concert with a more regulatory approach, in which the ITF works in conjunction with unions to lobby regulators. Rozworski explained that the desire of certain carbon-sensitive lead firms (e.g. Maersk) to become 'premium green shippers', passing on the costs of more environmentally friendly practices to their customers, has created a strategic opening for labour to fold their working conditions into corporate sustainability policies. Nevertheless, Rozworski cautioned that a transition being driven by capital inevitably comes with the risk of co-optation. Responding to earlier points about the isolation of maritime labour creating a barrier to collective organisation, Rozworski highlighted the commonalities that bind many seafarers: they are often from the Global South, where the effects of climate change are already visible onshore. This could potentially be used as a means to enter into discussions with shipping industry representatives, transcending notions of sustainability centred on maintaining the Global South as a source of cheap labour.

Subsequent discussions contextualised the particular strategic opportunities highlighted by Anderson and Rozworski within more general questions about the transition to a 'green' or post-capitalist economy. Anderson noted that the creation of 'green shipping' would require an infrastructural capacity that far exceeds that that currently exists in the world, demanding transformations across the entire economy. Colás pondered how the practical implementation of a policy such as a four-day week would look at sea. Decarbonising the capitalist economy would inevitably require shipping fewer goods, and the shortening or thinning of global supply chains, as well as a shift from the use of market mechanisms to central planning in order to regulate scarcity. Rozworski suggested that forms of public organisation might enable the rationing of goods beyond a reliance on prices.

From here, discussions turned to the themes of ESG and 'green finance', and how they might create points of articulation between finance and labour that can be used to hold employers to labour standards. Campling suggested that institutions such as the ITF or global union federations might design procedures to test the compliance of corporations with sustainability targets. In response, Anderson suggested that the lack of 'joined up' information on the financing of labour at sea would make this difficult, and that most of the ITF's work is production-focussed; but added that the ITF is already working in cooperation with the Ethical Trading Initiative (ETI) on the organisation of a workers' audit of supply chains. This is designed to check that vessels are acting in accordance with ITF agreements, and, in cases where not, asking why this is the case. Anderson suggested that there may be promise in encouraging asset managers to verify that their holdings are upholding environmental timelines and targets. Rozworski, meanwhile, noted that the ITF Inspectorate already carries out responsibilities of ensuring compliance with collective bargaining agreements, and could provide an opening for unions to play a greater role in this area. However, Rozworski noted that the challenge is ensuring that such responsibilities do not become simple box-ticking exercises; there is a 'fine line' between shouldering workers with additional administrative tasks and getting them to monitor compliance in an effective way. More broadly, Rozworski cautioned against the 'derisking' of environmental responsibilities by the state, facilitating the offloading of financial risks onto the public sector; we should be aiming for a 'regulatory' rather than a 'derisking' state.

In closing discussions, Claudine Grisard (QMUL) raised the possibility of using accounting standards to hold corporations to account, shifting what counts as assets and liabilities to account for labour standards. Anderson noted that the question of fiduciary duty has come up in some transport labour rights issues, e.g. in legal claims by unions against airline Ryanair, but the matter is made more complex by the existence of differing national standards. Nevertheless, Anderson noted that this is something that the ITF would be interested in pursuing further. Here, Campling reiterated the potential strategic value of labour inspectorates, which are able to cut through complex matrices of national and global regulation to analyse specific industries and supply chains.