



ILO WORK IN FISHING CONVENTION

Payment of fishermen

Notice to all fishing vessel owners and managers, employers of fishermen and fishermen

This notice should be read with the Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972 as amended and the Merchant Shipping (Work in Fishing Convention) Regulations 2018 and replaces MGN 136(F).

Summary

- This Marine Guidance Note provides guidance on the minimum standards to be met in paying fishermen for their work on fishing vessels.
- Whether fishermen are employed or work as self-employed share fishermen, under the Merchant Shipping (Work in Fishing Convention) Regulations 2018 (“the Work in Fishing Convention Regulations”), the fisherman’s work agreement (“FWA”) must state how much (either as a specified amount or how it will be calculated) they will be paid, and when.
- Employed fishermen must be paid regularly in accordance with their FWA and receive an account of their wages.
- The owner or employer may only make deductions from the wages of employed fishermen which are authorised by the Regulations. Authorised deductions, and the conditions that apply, are explained in paragraphs 2.4 to 2.8.
- Self-employed share fishermen are entitled to have provisions on how their payments are calculated in their FWA and to receive an account of payments made.

1. Introduction

1.1 All fishermen are entitled to have information in their fisherman’s work agreement about how they are paid. This means –



- 1.1.1 for employed fishermen, the amount of wages, or
 - 1.1.2 for self-employed share fishermen, the amount of the share and the method of calculating such share; or
 - 1.1.3 if remuneration is a combination of wages and share of the catch, the amount of the wages and share and the method of calculating the latter; and
 - 1.1.4 any agreed minimum wage.
- 1.2 They must be paid in full according to the provisions of their fisherman's work agreement.
 - 1.3 Fishing vessel owners should make arrangements so that all fishermen, whether or not they are employed, are able to send money home to their families. This is governed in the UK by the Merchant Shipping (Seamen's Allotments) Regulations 1972 as amended.
 - 1.4 The fisherman must authorise allotments by means of an allotment note.
 - 1.5 Fishermen are entitled to have payments made under their allotment note every time they are paid in accordance with their FWA but may agree alternative arrangements with the fishing vessel owner/employer.

Guidance on allotments

- 1.6 Only the actual costs incurred in making an allotment should be recovered from the fisherman. No additional charge may be made for allotments.
- 1.7 Where it is necessary to exchange currency to make the allotment this should be at a reasonable exchange rate.
- 1.8 A suggested form for an Allotment Note is set out in Annex A to this MGN.
- 1.9 The provision for allotments does not preclude payment of wages into a shared bank account to which dependents have access.

2. Employed fishermen

2.1 Employed fishermen must

- be paid monthly, or at other regular intervals, as specified in their FWA.
- receive an account of wages at least monthly, and within one month of their FWA terminating.

Guidance on the account of wages

2.2 The purpose of the account of wages is to ensure that the fisherman can see how much they have been paid, and any deductions made from their gross salary.

2.3 It should show –

- the fisherman's name and date of birth or other unique identifier;
- where applicable, the income tax code and national insurance number;
- the name and official number of the fishing vessel(s) or the name of the company for which they have worked;
- the name of the employer and (if different) fishing vessel owner;
- the dates of the period for which they are being paid; and
- the amount earned;
- any deductions (see below);
- the amount paid; and



- for those being paid in foreign currency, the exchange rate used.

Deductions from wages

2.4 Only deductions which are authorised by the Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972 may be made from fishermen's wages. Authorised deductions are -

2.4.1 anything the fisherman owes the employer for –

- (i) canteen bills;
- (ii) goods supplied;
- (iii) radio or telephone calls (which may include internet or e-mail charges);
- (iv) postage expenses;
- (v) cash advances;
- (vi) allotments;

2.4.2 contributions by a fisherman to -

- (i) any pension fund; or,
- (ii) any charity; or,
- (iii) in respect of any membership of:-
 - (a) any trade union; or,
 - (b) any friendly society.

2.5 In addition to these deductions, a fishing vessel owner is also authorized to deduct actual expenses or losses incurred or sustained by the fishing vessel owner, as a result of any breach or breaches of the fisherman's obligations under their FWA. These deductions are limited to a maximum of –

2.5.1 £100 for absence without leave; or

2.5.2 £200 for any other breach.

2.6 Where a fisherman satisfies the fishing vessel owner that their absence without leave was due to an accident or mistake or some other cause beyond their control and that they took all reasonable precautions to avoid it, no deduction may be made from the fisherman's wages.

2.7 Deductions may only be made if the following conditions are met:-

2.7.1 where possible, the shipowner must, not less than 24 hours before the fisherman's wages are due to be paid, provide the seafarer with a notice of deduction containing the information set out in paragraph 5.8 below and give the fisherman the opportunity to make representations about the deduction to the shipowner or the skipper;

2.7.2 where it is not possible for the shipowner to give notice of deduction to the fisherman at least 24 hours before the fisherman's wages are due to be paid, the shipowner or the skipper on his behalf must:-

- (i) if possible, before the fisherman's wages are due, give the fisherman a notice of deduction and an opportunity to make representations about the deduction to the fishing vessel owner or the master; or
- (ii) if the fisherman has not been given such notice and opportunity, send to the fisherman by registered post at the fisherman's last known address a notice



of deduction complying with paragraph 2.8 below.

2.8 A notice of deduction must contain a statement that the fishing vessel owner is satisfied on reasonable grounds, that the fisherman has breached their obligations under their FWA, and must:-

- 2.8.1 identify the specific obligation(s) under their FWA which the fishing vessel owner considers the fisherman has not fulfilled, as a result of which the fishing vessel owner intends to make a deduction;
- 2.8.2 state the grounds upon which the fishing vessel owner is satisfied that the fisherman has not fulfilled their obligations;
- 2.8.3 specify the amount of the actual cost or loss incurred by the fishing vessel owner and how it is calculated, in respect of failure to comply with such obligation(s); and
- 2.8.4 specify the total amount of the deduction proposed to be made.

The notice of deduction should also state that the deduction specified in that notice appears to the fishing vessel owner to be authorised to be made from the wages due to the fisherman under their FWA.

3. Self-employed share fishermen

- 3.1 The provisions of section 2 do not apply to self-employed share fishermen. Where fishermen are paid on the basis of a share of the catch, agreed expenses related to the operation of the vessel may be recovered from the payment to be made.
- 3.2 Self-employed share fishermen are entitled to provisions in their FWA showing how their earnings will be calculated, and how often they will be paid.
- 3.3 Self-employed share fishermen are entitled to an account of payments made. It is recommended that a record is kept and is made available to the fisherman of their earnings, including the dates covered and any deductions made from gross earnings.

More Information

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Spring Place
105 Commercial Road
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SO15 1EG

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telephone numbers are correct at time of publishing

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SUGGESTED FORMAT FOR AN ALLOTMENT NOTE

I,(insert name of fisherman)
 employed in/by.....(insert name of fishing vessel or company)
 Port of Registry Official Number
 require you(insert name of fishing vessel owner or employer)
 of.....
 (insert address of fishing vessel owner or employer)
 to pay to(insert name of recipient)
 of.....
(insert address of recipient)
 the sum of (insert amount of each payment)
 on(insert date of first payment)
 and at intervals ofthereafter
 (insert intervals at which payments to be made)
 untilpayments (insert number of payments) **have been made***

OR

until the Fisherman’s Work Agreement under which I am now employed/engaged is terminated*
OR

until 7 days after I have given notice in writing of revocation of this allotment note to you as the fishing vessel owner/my employer or to the master of my ship, whichever shall be the earlier.*

*Delete whichever is not required

Signature of fisherman

Acknowledgement of receipt of Allotment Note by fishing vessel owner or employer

Signed

Signed

Date.....

Date.....

