

Social Sustainability in Norwegian Fisheries

Evolution and Resilience in Fleet and Industry

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Report

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Summary/recommendation: <p>Tragic reports about abuse, slavery and child labour in the international seafood industry both onshore and at sea is getting increased public attention leading to increased demand towards the Norwegian seafood industry to document their social sustainability. This report is an answer to that demand. In 2018 the Norwegian fleet consisted of more than 6 000 vessels and over 11 000 fishermen, and the onshore processing industry employed more than 9 000 people. The report describes Norwegian laws and legislation, controlling regime, trade union involvement and opportunities for sanctioning violations of human rights, safety and working conditions and social security. Norway is one of a few countries which have ratified and fully incorporated ILO 188 into laws and legislations. Onshore, the Working Environment Act is one of many legislations tightly regulating safety, security, obligations and conditions for the workforce in Norwegian industry. In addition, the onshore industry is covered by an extended collective agreement, which secures the minimum wage. The results show that Norway has a system that covers most social sustainability issues mentioned in international agreements. It is undeniable that Norwegian workforce rights are significantly stronger than in most other countries. There is no indication of violations of the serious elements, i.e. slavery, trafficking or child labour. However, there are some challenging areas, especially concerning foreign labour. Authorities and trade unions are continuously working on improvements within documentation, communication and prevention.</p>	
Summary/recommendation in Norwegian: <p>Tragiske historier om slaveri, barnarbeid og utnyttelse av arbeidskraft har skapt internasjonal oppmerksomhet rundt denne delen av sosial bærekraft. Dette har igjen ført til at internasjonale kunder krever dokumentasjon av nettopp arbeidsforhold og rettigheter fra sine norske leverandører, både fra flåte og landindustri. Rapporten beskriver norsk lovverk, kontrollsystemer, sanksjonsmuligheter når det kommer til sikkerhet, arbeiderrettigheter og sosial trygghet. Det er også gjort en kvalitativ risikoanalyse, hvor man identifiserer og diskuterer områder hvor det er størst sannsynlighet for lovbrudd, hvordan disse risikoområdene håndteres av offentlige kontrollsystemer, følges opp av fagforeninger og til slutt beskrives forbedringspotensialet i det offentlige samarbeidet for å ytterligere hindre lovbrudd. Konklusjonen er at det er nødvendig å se risiko og oppfølging i en norsk kontekst da i Norge man snakker om sosial bærekraft på et mye høyere enn internasjonalt.</p>	

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1 Background

The project “Documentation of social sustainability in the Norwegian wild catch fisheries” was funded by The Norwegian Seafood Research Fund (FHF) on initiative of Fiskebåt (Deep-sea fishing fleet organization) and Norges Fiskarlag (Norwegian Fishermen’s Association). The background for the initiative was that the Norwegian seafood exporters have experienced increased demand from their customers for documentation of social sustainability in the Norwegian fleet and onshore processing industry.¹ In order to provide a deep, thorough understanding and documentation of how the Norwegian laws, regulations, controlling authorities/ inspectorates and trade unions work, Nofima and Fafo Institute for Labour and Welfare Studies were given the task of:

- 1) Mapping today’s situation of social sustainability in Norway.
 - 2) Mapping international customers’ needs and demands.
 - 3) Conducting two workshops gathering all industry organisations, trade unions, controlling authorities and representatives from fleet and industry to discuss the content and scope of the documentation.
 - 4) Conducting a qualitative risk analysis focusing on the social sustainability of the industry. The analysis aimed to identify and describe areas at risk of violations of laws and regulations, type of violations and severity of these. The analysis also explored how these violations are communicated, handled and sanctioned.
 - 5) Preparing a document that describes:
 - a. The levels in the value chain
 - b. Industry structure
 - c. National laws and regulations
 - d. National agreements
 - e. Control systems and sanction options
 - f. Risk analysis results
- 1) Planning for handling and updating of the document in the future.

The project was conducted in the period from December 2017 to March 2019.

¹ We have chosen to use the term “onshore processing”, this includes both buyers and actual processing industry on land (some companies buy, some process, some do both) and are under different laws and regulations than processing at sea.

2 Introduction

Much of the global sustainability discussion has so far focused on economic and environmental sustainability, but increasingly social sustainability is also receiving attention. This is important not only because social sustainability plays an important role in enabling other sustainability initiatives, and also because social injustices in one echelon of a supply chain can lead to significant losses for firms across the chain (Mani *et al.*, 2016). Revelations about slavery and labour rights abuses² in fisheries have sparked outrage and increasing attention is currently on wage and working condition of the workforces and supply chains providing seafood worldwide (Kittinger *et al.*, 2017). Unsafe, unsanitary and degrading working environments in Thailand and Indonesia where migrant workers report that denial of access to water and toilet breaks is used as a form of discipline. They also report severe human and labour rights violations including withholding wages, retention of identity documents, excessive overtime and shocking physical abuse (Oxfam, 2018). Tragic scandals concerning slavery and trafficking have revealed connections between northern buyers and southern labour practice (Marschke & Vandergeest, 2016). However, violations of human rights are also revealed in Europe.³ Seafood Slavery Risk Tool⁴ states that there is evidence documenting forced labour in some EU fisheries.

Businesses impact human rights whenever and however they operate; these impacts can be positive and negative. UN Guiding Principles on Business and Human Rights describe a three-step approach to safeguarding human rights. First, the governments have a duty to protect workers through making laws and implementing them. Second, businesses have a duty to refrain from violating human rights even if the government does not. Third, governments have to make sure that their counter-measures are implemented in case of violations. The victim must have a place to file a complaint; the complaint should then be investigated and settled. All companies, and related organisations should be obliged to adhere to such a system whereby complaints may be lodged and then investigated in an open and transparent manner that may be scrutinized by employees and other relevant parties.

In the international seafood industry, supply chains onshore and at sea are often complex, with multiple layers of activity. The vulnerability of both land and sea-based workers to exploitative labour practices highlights the need for transparency. Traceability and transparency have been embraced by NGOs, research partnerships and the wider international market as a possible solution to issues like IUU⁵ fishing and social issues like forced labour in global fisheries.

The Norwegian seafood industry serves approximately 145 markets worldwide and is the second largest seafood exporter in the world. This report reflects the endeavours of the Norwegian wild fish industries to provide an objective, transparent and honest document on the social sustainability in the Norwegian fleet and processing industry. As advised by the UN, this work describes Norwegian rules

² Hodal, K., C. Kelyy & F. Lawrence (2014). Revealed: Asian slave labour producing prawns for supermarkets in US, UK. Guardian. 10 June.

Mendoza, M, R. McDowell, M. Mason & E. Htusan (2016). Fishermen slaves: Human trafficking and the seafood we eat". Associated Press, 15 March.

Lewit, T. (2016). Our love of cheap seafood is tainted by slavery: How can it be fixed? Guardian 7 October.

³ Lawrence F. & E. McSweeney (2017). UK police rescue nine suspected victims of slavery from British trawlers. 12 December. Guardian.

Miley, I. (2019). UN officials criticizes Govt's scheme for fishermen from outside EEA. 19 February. RTÉ. Raidió Teilifís Éireann, Ireland's National Public Service Broadcaster

⁴ <http://www.seafoodslaveryrisk.org/>

⁵ IUU – Illegal Unreported and Unregulated fishing.

and legislation, controlling authority routines (implementation and control), cooperation and systems for violation prevention and in worst-case scenarios, routines for sanctions. In addition, strong trade unions guard government and companies, and provide important additional security for the workforce. A risk analysis reveals where violations to Norwegian standards might and do occur, how severe these violations are, how they are controlled and handled. As workers' rights and safety are an important part of the Norwegian labour market model the report extends from basic human rights like slavery, trafficking and child labour to include decent working conditions, social security, equality and safety. For a short introduction to standard Norwegian working conditions we recommend the web page: <http://www.nyinorge.no/en/Ny-i-Norge-velg-sprak/New-in-Norway/Work/Employment/>. Even though the report deals with issues like basic human rights, the Norwegian seafood industry is in no way comparable with the slave-like conditions revealed in South-East Asia and in some parts of the EU that triggered the need for documentation of decent working conditions. The Norwegian legislation, control and sanction systems are very comprehensive and prevent the most severe types of violations of human rights and working conditions.

Social sustainability has no clear definition but in the context of this report, where an industry is the research focus, external and internal social influence is of importance. The external influence usually deals with aspects like contribution to society and co-existence with other industries. In this report it is the internal social sustainability that is the main focus area, taking a close look at elements like working conditions, workers' rights, absence discrimination and at forced- and child labour. It is important to emphasize that the work of improving social sustainability is an ongoing process, and not something that reaches a finite point and ceases to evolve. This report should provide buyers of Norwegian seafood with the necessary documentation on Norwegian social sustainability. The authors and reference group also hope that Norwegian transparency and honesty will inspire and help raise standards within the international seafood industry in general.

3 Wild Fish Industry Structure

The Norwegian wild fish industry is characterized by a wide range of vessels landing their catch to the seafood industry along the coast. It is usual to divide the industry between pelagic and demersal fisheries. The main species in the pelagic fisheries are herring and mackerel and the main activity for the production of these species is located in the southern parts of Norway. Cod, saithe and haddock are the dominant species in the demersal fisheries. As these fisheries takes place further north in the country, there is also an excess of companies producing of demersal species in the northern counties. An exception is the production of traditional products like stockfish, saltfish and dried fish that historically also have been produced in the southwest.

All the fisheries are seasonal and take place at different times of the year. The main season for the cod fishery is in the beginning of the year when the cod move in towards the shore to spawn, while the mackerel fishery takes place in a few months during the autumn. The availability and the quality of the fish have been important when building up the fleet and the onshore processing industry. The development of larger vessels with onboard freezing facilities has made the fleet and the production more flexible, but the activities are still highly characterized by seasonal fluctuations. Recently, the profitability has generally been better in the fishing fleet than in the onshore processing (Bendiksen and Nyrud, 2018).

Worldwide, the Norwegian fleet is probably among the most modern. Both in the fleet and in the onshore industry, there is a continuous development of new technology. This has, among other things, led to better facilities for the work force and better working conditions regarding safety. The statistics show that the number of accidents declined sharply in the '90s and in the early 2000s. From 2010, the number of reported accidents at sea has stabilized at around 140 each year (Norwegian Maritime Authority, 2018). When an accident does happen, the Norwegian Rescue Services (HRS) and the Norwegian Society for Sea Rescue (RS) are present all-round the coastline ready to act at any time. HRS are carried out through cooperation between government agencies, voluntary organisations and private companies who have resources appropriate for rescue services. The Joint Rescue Coordination



Foto: Kjell Vidar Forsberg

Centres have the overall operation responsibility during search and rescue operations. One of the major contributors into this cooperation is RS who provides 51 rescue vessels.

Most of the fisheries are regulated with participant rights, with a limited number of vessels. In this section we give a short description of the different fishing fleets and the onshore seafood industry. In this report, the fleet is divided into the deep-sea fleet, the large coastal fleet and the small coastal fleet. This division of the fleet is based on the ILO regulations' differentiation of the fleet (vessel size and days at sea) and is therefore not fully synchronized with the divisions usually made when regulating the fisheries in Norway.

3.1 Deep sea fleet

The deep-sea fleet in Norway consists of bigger vessels like trawlers, purse seiners and autoliners. The fishery is regulated by a limited amount of participant rights. In quota allocation, they are divided into different groups: trawlers, purse seiners and coastal vessels larger than 28 metres in length. The purse seiners are mainly targeting pelagic species like mackerel and herring while the trawlers are targeting demersal species like cod and saithe. The coastal vessels are targeting both pelagic and demersal species depending on season and what gear they are using.

In order to reduce overcapacity in the fleet, the vessels have had the opportunity to transfer quota from one vessel to another. This has led to a decline in the number of vessels. Currently, the purse seine group accounts for 72 vessels, while the trawler group consists of 35 vessels. In addition, there are 15 pelagic trawlers and around 120 coastal vessels included in the deep-sea fleet (The Directorate of Fisheries, 2019).



Foto: Kent Bandholm Hansen



Foto: Nofima

The work force onboard varies between the different groups. The trawlers are the vessels that require the largest crew. In 2017, the average number of employees was 40 in this group. For the purse seiners and the coastal vessels, the average number of employees was respectively 14 and 9 (The Directorate of Fisheries, 2019). Days at sea per trip also varies with capacity, targeting species and fish availability. The trawlers usually have two sets of crew and spend

14 days to one month on each fishing trip. The crew is changed every month/ 6 weeks depending on practice (that is 20 crew members on board at the time). The purse seiners usually have shorter trips

as they want to deliver the catch as soon as possible due to quality loss in the fish. It is also normal to have two rotating sets of crew on these vessels (7 crew members in one shift). The days at sea per trip for the deep-sea coastal vessels depends on their on board freezing facilities. The ones delivering fresh fish to the industry usually have 3–5 days at sea, while the ones freezing on board are out 3 to 6 weeks, depending on the fish availability. These vessels usually only have one set of crew and fewer days at sea a year in total.

Recruitment to the deep-sea fleet has become easier the last years, mostly due to a higher status and increased wages for the fishermen. Traditionally there has been some foreign fishermen from the Faroe Islands and Iceland. Today there is also increasingly crew from Eastern Europe and Russia on board on parts of the fleet.

The profitability of the vessels in the deep-sea fleet is generally good. For the vessels targeting demersal species, the profitability has increased in the period 2012–2017. For the vessels targeting pelagic species, the profitability declined from 2011 to 2013, but increased from 2014 to 2015 (The Directorate of Fisheries, 2019). The biggest costs are the wages for the crew and fuel costs.

3.2 Large coastal fleet

The large coastal fleet consists of vessels between 11 and 28 metres in length, regulated with participant rights. The vessels are equipped with different kinds of gear like longline, gillnet, trawl or seine nets. The main fishery for this fleet is demersal species, but there are also some vessels concentrating on pelagic fisheries. Also in this group, the number of vessels has declined over the last decade and the group currently consists of around 890 vessels (The Directorate of Fisheries, 2019).



The vessels in this group usually have a small crew when out fishing; the average number of crew was four in 2017 (The Directorate of Fisheries, 2018). The number of days at sea per trip depends on the freezing facilities, storage capacity and fish availability. Boats delivering fresh fish are out for 1 to 3 days, while boats with freezing facilities make fishing trips of 7 to 10 days. Also in the large coastal fleet there is a slight increase in crew of foreign origin, mostly from Eastern European countries.

The trend in profitability in this group has been positive, but in general the profitability in the coastal fishing is a little lower than in the deep-sea fleet. Also in this fleet the biggest cost is the remuneration of the crew.

3.3 Small coastal fleet



The small coastal fleet consists of vessels shorter than 11 metres in length, also regulated with participants rights. Most of them are equipped with longline or gillnet. These vessels are usually very small and there is not necessarily a need for a crew, and when a crew is employed it is usually only for seasonal work. Sometimes, but rarely, there is Eastern European seasonal workers also in the smaller fleet. Many of the vessels are usually operating with only one person, the owner himself, or they

have one extra person on board. The average number of crew was 1.6 in 2017. There are around 5 000 vessels in this group (including all fisheries all-round the coastline), and the majority of them target demersal species. As the capacity is limited and they deliver the fish fresh, the vessels land every day. The profitability is similar to that of the larger coastal fleet.

The large number of vessels makes the fishery in this group a bit harder to describe as not all of the vessels actually participate in the fishery, whilst others stop fishing before they have finished their quota. It is therefore common that some of the quota from this group is transferred to the larger vessels at the end of the year.

3.4 Onshore processing industry

The Norwegian fish processing industry employs about 9 000 workers throughout the year (Henriksen et al. 2018). The industry is highly export-oriented, serving approximately 145 markets with a large range of products (www.seafood.no). The wild fish industry is roughly separated into pelagic and white fish processors. Shellfish is a small category and is usually included within the white fish processing. The pelagic sector consisted in 2015 of 54 companies



(Iversen et al. 2018), of which 49 of these focused on raw material and products for human consumption. In 2018, the pelagic companies exported goods for almost 700 million NOK (seafood.no). The white fish industry consisted in 2015 of 214 companies (Iversen et al. 2018), some of which also produce shellfish like king crab and prawns. In 2018 the export value of whitefish species and shellfish exceeded 28 billion NOK (www.seafood.no).



Foto: Nofima

The processing facility is often an important cornerstone for local communities providing workplaces, tax income and substantial income to supporting industries (Nyrud et al. 2018). During the last decades, the industry has experienced extensive restructuring, which has led to significantly fewer companies. Still, the firms are highly varied when it comes to size, resource access, expertise, market position and profitability (Angell *et al.*, 2011).

The industry faces large fluctuations in raw material-access due to competition and seasonal variations. Therefore, many companies have to be able to adapt the production to fast changing conditions. Lack of full operation all year around means high mobilization of labour in certain periods and difficulties in planning and predicting activities over extended periods. The industry has a high focus on efficiency and automation due to the high cost-levels in Norway. Also, in order to reduce work-related stress, new equipment, development of routines and innovation are high on the agenda. Another benefit of this modernisation

is that it reduces work related injuries and allows people to stay in active work at an older age enabling competence transfer and a varied and inclusive workforce.

Traditionally, and increasingly this industry has an international work force. Access to local indigenous Norwegian labour is limited and local recruitment often difficult, especially for seasonal work (Henriksen et al. 2017). The industry therefore employs foreign labour especially during peak seasons. Over the last decade much of this workforce has come from countries in Eastern Europe, dominated by workers from Lithuania, Poland and Romania. They are recruited either by recruitment agencies or via friends and family already working in Norway. Many of the workers come back year after year, and some settle down in Norway with their families.

Profitability in the white fish sector had a slight fall from 2014 to 2015 (newest numbers available) from 3 to 2,6 %, but on the positive side, 4 out of 5 companies made a profit the same year. For the pelagic industry, the profit margin decreased from 2,2 % in 2014 to 1 % in 2015 (newest numbers available); about 60 % of the companies had a positive result (Bendiksen and Nyrud 2018).

4 Method

A range of methods was used to identify the level of information needed for documentation of social sustainability of the Norwegian wild catch fleet and onshore industry. Secondary information (see list in References) was used to develop a questionnaire (described more thoroughly in the risk analysis methodology), interview guides, map the future and the evolving situations internationally and nationally whilst identifying risk areas and indicators.

Participation in three UK conferences focusing on social sustainability both as presenter and as participant provided background and adjustment of the course of the work. One presentation and the following discussion was also made for UK fish and chips buyers and two UK journalists.

4.1 Interviews

Four in-depth exploratory interviews covering a wider and insightful perspective on the various issues were conducted with key actors within the UK processing and retail sector to discuss their need for documentation, level of documentation and need for certification.

In Norway, 25 in-depth interviews were conducted in person and/or by phone with controlling authorities: The Norwegian Labour inspectorate, The Norwegian Maritime Authority, The Norwegian Coast Guard, Police and the trade unions. In addition, a group interview with 9 persons from A-Crime⁶ Centre Nordland was conducted.

4.2 Statistics

The Norwegian Maritime Authority (NMA) and the Norwegian Labour Inspectorate (NLI) register their inspection activities by both the number of inspections and orders issued under inspections. In this project we have been given access to this data. NMA conducts a yearly risk assessment of fishing vessels for internal use. Although this report is internal this project was given access to the 2018 risk assessment, which gives an overview of the number of inspections in 2017 and orders issued in connection with these inspections.

The NLI provided access to data of the same type, but these data were put together for this project only. The statistics for the onshore processing industry have been through a screening process. The NLI does not differentiate between industry processing wild fish and fish from aquaculture. Therefore, we first got a list of all companies inspected in the period from 2015 to 2017. Based on knowledge of the industry, we removed all companies that process fish from aquaculture. The list was then returned to NLI who produced the statistics for the relevant part of the onshore processing industry.

⁶ A-Krim consists of labour crime centers that are established in seven cities around the country. These facilitate practical cooperation between the Labour Inspectorate, the police, the tax authorities and the welfare authorities (NAV). The centers conduct joint inspections/investigations and may also bring in staff from the fire-department, custom service, the food safety authority and municipal treasurer.

4.3 Reference group and workshops:

A reference group was appointed by the FHF, which has an advisory role according to FHF guidelines. The group had no influence on the scientific quality or legitimacy of the results. The group included members from:

- Fiskebåt (Deep sea fishing fleet organization)
- Sjømat Norge (Norwegian Seafood Federation)
- Norsk Nærings og Nytelsesmiddelarbeiderforbund. (The Norwegian Food and Allied Workers Union)
- Norsk Sjømannsforbund (Norwegian Seafarers Union)
- Norges Fiskarlag (Norwegian Fishermen's Association)
- Norges Kystfiskarlag (Freely translated: Norwegian Coastal Fishermen's Association)
- On shore processing industry representative.

The reference group held four meetings during the project.

Two extended workshops were conducted. The workshops included participants from industry organizations, trade unions, controlling authorities (The Coastguard, The Norwegian Maritime Authority and the Norwegian Labour Inspectorate) and representatives from the three fleet groups (deep-sea, large coastal vessels and small coastal vessels) and onshore processing industry. Twenty-four participants attended each meeting. The first, conducted on the 4th of April 2018, included an open discussion both in plenary and in groups, identifying risk areas. The second, conducted on the 24th of October 2018, discussed the identified factors, risk likeliness and severity, also in plenary and in industry defined groups.

4.4 Risk analysis methodology

The risk analysis in this project is a qualitative analysis that aims to identify areas of high risk for potential violation of laws and regulations, to assess the probability for risk, to identify potential victims, and report how the risk and/or violations are handled and by which authority. The analysis does not evaluate to what extent these violations actually do occur. Finally, it is an exploratory analysis, not a full assessment.

The risk identification and analysis process were based on the International Standard for Risk Management (ISO 31000:2009), in part the Victorian *State Emergency Risk Assessment Methodology* (SERAM), and the Seafood Slavery Risk Tool methodology. The process followed the outline of Figure 1, adjusted for our scope and context of Norwegian standards.



Figure 1 Risk analysis outline (adopted from The Seafood Slavery Risk Tool)

1. Scope. The scope for the risk analysis is the Norwegian fishing fleet and wild fish processing industry. The fishing fleet is limited to Norwegian vessels which have quotas allocated by the Norwegian authorities. Norwegian vessels fishing on stocks outside Norwegian jurisdiction and international vessels fishing in Norwegian waters are excluded.
2. Gather information Identification of existing factors and possible threats was based on information gathered from reports and publications by authoritative institutions and civil society organizations that are available in the public domain. Sources include national media, international and national organizations, government reports, NGO publications and academic publications (see Appendix 1 for list). The factors were discussed in the workshop on the 24th of October. A final adjustment was made.
3. Draft profile Forty factors were then systematized into three groups: (i) Human rights, (ii) safety and working conditions and (iii) social security. Based on this, an internet questionnaire was developed whereby each factor was evaluated according to the probability of occurrence, impact and which authority has the responsibility to control each factor.
4. Internal review The factors were presented for the reference group.
5. External review The factors were presented at the workshop and adjusted according to recommendations. Results from interviews and questionnaires were presented to the reference group and follow-up interviews were conducted to clarify challenging areas.
6. Completed profile Appendix 1 lists the complete list of factors identified, evaluated and discussed, with definitions.

The complete questionnaire was distributed to:

- The Norwegian Coast Guard – all vessels
- The Norwegian Food and Allied Workers Union
- The Norwegian Maritime Authority
- Norwegian Seafarers Union
- The Norwegian Labour Inspectorate

The request was that the controlling officers themselves should be encouraged to answer the questionnaire. The responses to the questionnaire was limited, only a total of 42, even after several reminders. The controlling authorities do not give access to their inspectors directly, thus it is impossible to give a response rate percentage. The results were therefore used only to identify areas that stood out and functioned as foundation for interview discussions and as a basis for the qualitative risk evaluation.

The questionnaire was followed up by in-depth phone interviews with inspectors and key management in all governing authorities and trade unions (the Norwegian Labour Inspectorate, the Norwegian Maritime Authority, the Norwegian Coast Guard, Norwegian Seafarers Union and the Norwegian Food and Allied Workers Union). In the interviews, the risk factors identified as most likely to occur and with the most severe consequences were discussed focusing on likelihood, who is affected and how the identified high-risk factors are controlled, handled and actioned against.

5 The Norwegian labour market and control regimes

5.1 Basic regulations on Human Rights, minimum age and Health and Safety⁷

In 1999, the Act on strengthening the position of human rights in Norwegian law (the Human Rights Act) came into force. It implements conventions from the Council of Europe and the UN in Norwegian law. Among the provisions are the prohibition of slavery and forced labour (Article 4 of the European Convention on Human Rights). This includes the Convention on the Rights of the Child. The Norwegian Penal Code (§257) forbids trafficking in labour and services. This includes anyone who, through violence, threats, abuse of a vulnerable situation or other improper behaviour, forces, exploits or lures a person to work and services.

The Norwegian fleet is regulated by the Ship Safety Act and the onshore processing industry by the Working Environment Act (WEA). Both have regulations for young people. The minimum age onboard ships is 16 years of age. Onshore work is not allowed for persons under 15 years of age (WEA chapter 11). Light work is permitted after 13 years, as is work that forms part of schooling or practical vocational guidance approved by the school authorities provided the child is 14 years of age or more. Persons under 18 years must not perform work that may be detrimental to their safety, health, development or schooling. Aboard ships, there are special regulations for employees between 16 and 18 years of age. Health and safety-rules apply to all employees who work in Norway. The authorities have, in cooperation with the social partners, established extensive requirements for the companies' systematic HSE-work. The employers are responsible for the compliance with HSE-regulations, but the employees are obliged to take part in the elaboration, implementation and follow-up of the systematic HSE-efforts.

The Ship Safety Act states that a ship shall have the necessary facilities and equipment to ensure a fully sound working environment. The ship's master shall ensure that others who have their work on board receive the necessary knowledge of the ship and of basic environmental and safety regulations. Regulations on safety training apply to all fishermen engaged in commercial fishing from a Norwegian boat/vessel regardless of size, except for fishing in freshwater.

Onboard ships, the regular working hours shall not exceed 48 hours per week, calculated as an average for a period not to exceed 12 months. The rest period should be at least 10 hours during any 24-hour period and 77 hours during any 168-hour period. The working time regulations for onshore processing industry states that the normal working hours should not exceed 9 hours within 24 hours and 40 hours within 7 days. These regulations can be deviated from through collective agreements between the social partners.

The regulations provide the basis for co-determination for the employees in order for them to safeguard and develop their working environment in collaboration with the employers, and with the necessary guidance and control from public authorities.

⁷ See Appendixes 2 and 3 for the full overview.

Equal treatment is also strongly regulated. Direct and indirect discrimination based on ethnicity, gender, sexual orientation, disabilities, political views, membership of the workers' organization or age is prohibited.

The employees have the right to notify censurable conditions at the workplace without retaliation (whistleblowing). The employee shall proceed responsibly when making such notification. The employer has the burden of proof that notification has been made in breach of this provision.

5.2 The Norwegian Labour Market Model

The Nordic countries are characterized by high employment rates, comparatively low wage differentials, cooperation between the social partners and well-developed welfare states. Free health care, education, maternity leave and good childcare provisions are funded by high progressive tax regimes. At the same time, these schemes contribute to greater economic equality and higher employment rates. This system is often labelled as the "Nordic model".

Dølvik *et al.*, 2015 argue that the model emerged as the "Nordic triangle model" with three correlative pillars:

- Strong centralized worker and employment organizations that contribute to policy coordination,
- development of institutions to facilitate broad tripartite cooperation between governmental authorities and the two sides of industry, and
- emergence of stable party constellations and hegemonic parties with enough support and legitimacy to pursue long-term strategies focused on the expansion of welfare schemes, the investment in productive assets like capital, people and knowledge, and the commitment to fair, equitable distribution of benefits and burdens.

The Nordic countries are on the top of international ranking lists of economic and social development, despite criticism in the 1980s and 1990s that the model prevented economic change and weakened companies' competitiveness. Critics pointed to what they thought was too large a public sector, too high taxes and excessive government regulations. However, in the wake of the financial crisis in 2008, the Nordic countries came through the hard times successfully, compared to many other countries.

In the labour market, one intention is to combine flexibility (for the employer) with security (for the worker), like unemployment benefits and labour market schemes. Public security systems create a safety net, which in turn can contribute to higher mobility in the labour market and a willingness to make the necessary adjustments (new tasks, training, further education, etc.). This system increases productivity and makes it possible for Norwegian businesses to compete in international markets.

Since 1994, Norway has been part of the EU's inner market through the EEA-agreement (European Economic Area), together with Iceland and Liechtenstein. The cornerstone of the inner market is free movement of goods, capital, services and persons.⁸ In practice the freedoms mean that individuals have a right to live, work, study or retire in any EEA country. All EU/EEA nationals who

⁸ Management of fisheries resources is not included in the EEA Agreement. Fisheries cooperation between the EU and Norway is based on bilateral agreements, while trade in fish and fish products is regulated by a protocol in the EEA Agreement as well as several bilateral agreements (regjeringen.no).

are going to stay in Norway for more than three months must register. As a result of the agreement, EC law on the four freedoms is incorporated into the domestic law. The Agreement seeks to guarantee equal conditions of competition, and equal rights to participate in the internal market for citizens and economic operators in the EEA.⁹ The EU-enlargements in 2004 and 2007 gave Norwegian companies new opportunities for recruiting labour. This has led to a great influx of workers and companies from the new member states in central and eastern Europe, which has affected the composition of the workforce in the onshore processing industry.

5.2.1 Social dialogue

Important features of the Norwegian labour market model are the cooperation between employers and worker's representatives at both company, industry and national level. The system is a so-called single-channel representation, meaning that the representation at the workplace level links to representatives of the trade union organizations. The level of unionization both at company and industry levels is decisive for the strength of local trade unions.

A high coverage of collective agreements is the guarantor for responsible salary settlements, a system for dealing with conflicts of interest and cooperation to improve workplace productivity. In total, close to 50 per cent of the Norwegian workforce is unionized. This is a high share compared to many European countries, but lower than in other Nordic countries. This aggregated number disguises huge differences in union membership levels between sectors/industries. In manufacturing, it is around 55 per cent, while it is only around 20 per cent in parts of the service sector. Only companies bound by collective agreements will, as a rule, have local trade union representatives as these are elected on the basis of these agreements.

At the national level, there is a long tradition for a tripartite social dialogue. The Government consults the social partners in labour market and social policy-relevant issues. Over time, there are also examples of implementation of social reforms or tax relief in exchange for moderate wage policies. The collective bargaining process is regulated through Labour Disputes Act (mediation, peace duty). Disputes over compliance with collective agreements are settled in the Labour court.

Decrease in unionization level – both among employees and employers – is a potential threat to the model because it can weaken the negotiation system. Higher pay differentials might also disturb the legitimacy of the model. During the last decade, high labour immigration from the newest EU member states is seen as a potential challenge, especially from the trade unions, because many foreign workers will be satisfied with poorer conditions than what is expected as standard among Norwegian workers.

On the employer's side, it is more common for larger companies to be affiliated to an employer's association than the smaller ones. Close to 70 per cent of Norwegian workers in the private sector are employed in companies that are members of an employer organization.

Labour market legislation that covers all workers provides decent working conditions. These conditions are supplemented by industry-specific collective agreements. However, actual decent pay, e.g. overtime payment, and decent working conditions more generally depend on trade union presence at company level and cooperation between employers, trade union representatives and safety delegates.

⁹ <http://www.eftasurv.int/about-the-authority/legal-texts/eea-agreement/>

Regulation of labour immigration and seasonal work

As mentioned above, through the EEA-agreement, there is free movement of workers from the EU/EEA-area. Third country-nationals (persons from countries outside EEA) must apply for a residence permit for work purpose. The worker has to have a concrete offer of fulltime employment with “Norwegian conditions”. The regulations also allow for seasonal workers, which is often the best option for the onshore processing industry. Work in this industry will be seasonal if the fisheries can only take place during a limited part of the year. It must then be documented that the applicant is going to work in a seasonal activity. The pay and working conditions must not be poorer than those stipulated in the current collective agreement or pay scale for the industry in question. If no such collective agreement or pay scale exists, the pay and working conditions must not be poorer than is normal for the occupation and place concerned (Immigration Act section 23 first paragraph letter b).

Generally applicable collective agreements in onshore processing industry

There is no statutory minimum wage in Norway. Wages are subject to collective agreements or, if no such agreement exists, it will be a part of the written employment contract between the employer and the employee. Some of the industry-level agreements (among them the agreement for the onshore processing) are made generally applicable.¹⁰ This means in effect that a minimum rate of pay for all workers has been introduced in certain sectors. A decision for an extension of a collective agreement is taken by a government-appointed commission after request from one of the social partners, in most cases from the Confederation of Trade Unions (LO). In order for the commission to extend a collective agreement, documentation must prove that foreign workers undertake, or are suspected of undertaking, work in conditions that are less beneficial than those stipulated by the applicable collective agreement. The commission will then decide which of the conditions to extend, in practice minimum wage, food, lodging and travel expenses, in some cases also working hours (Eldring & Alsos 2012).

When an agreement is generally applicable, the Labour Inspectorate can check wages. Additionally, local trade union representatives play an important role as watchdogs when it comes to wages and working conditions. A prerequisite for this involvement is a solid union member base, an employer that is interested in following the rules and local trade union representatives that make this work a priority. Local representatives also tip off the Labour Inspectorate about breaches of labour conditions/low salaries.

Double status for fishermen

In the fleet, there is no statutory minimum wage. In addition, many fishermen, have a quite different wage-system from that which other employees in Norway have. Fishermen have a double status, both as employee and self-employed. It is normal that the income is calculated as a share of the catch (participation system) instead of a monthly salary. Concerning taxes, they are therefore recognized as self-employed.

5.3 ILO 188. Work in fishing convention

The ILO Convention 188 on working conditions in fishery was adapted in 2007. The reason for the new convention was that previous conventions were more than 40 years old, and that few countries had

¹⁰ The other areas covered by general applicable collective agreement are construction, shipbuilding, cleaning, electricians, agriculture, transport and hotels and restaurants.

ratified it. The objective is to ensure better working environment, safety and health at sea, and to ensure that sick and injured fishermen receive treatment on land. The Convention also contains provisions on rest periods, protection through written employment contract and equivalent social security protection as other employees, in addition to requirements for safety and maintenance standards for vessels on living standards onboard ships.

Fourteen countries have ratified this convention, and as per February 2019, it is in force in nine countries besides Norway: Angola, Argentina, Bosnia and Herzegovina, Congo, Estonia, France, Lithuania, Morocco and South Africa. The Convention will enter into force for Namibia and Senegal in September 2019 and in Thailand and the United Kingdom in January 2020.¹¹

In Norway, most of the regulations in ILO 188 were already met at the time of the implementation in November 2017. However, some national regulations have been adjusted in accordance with ILO 188 on the following areas:

- a) The period for the trade certificate is prolonged from four to five years.
- b) Fishing vessels (15 meters or more) are obliged to have a certificate for working and living conditions (WFC-certificate), issued for five years.
- c) Minimum safe manning certificate on ships (24 meters or more) and muster rolls on all boats, regardless of length.
- d) Health certificate (except on boats up to 15 meters/at sea less than three days in a row).
- e) Some adjustments in the regulations for youths under training.
- f) Adjustments in the regulations on hours of work and rest.
- g) Documentation of the employment contract and the possible collective agreement available on board.

5.3.1 Regulations for young workers and youth under training

As mentioned above, the minimum age onboard ships is 16 years and in the onshore processing industry, work is not allowed for children under 15 years (except approved work programs as earlier discussed). Persons under 18 years must not perform work that may be detrimental to their safety, health, development or education. For youths who do not have compulsory schooling and participate in vocational training on board, ILO 188 Article 9 sets an age limit of 15 years. It also follows from ILO 188 Article 9 that school-obliged young people who have turned 15 can also perform light work during school holidays.

There are specific regulations for youths under 18 years of age, whether they are employed or taking part in vocational training (apprentice). The employer must, before entering into a contract ensure whether the effects in the working environment can cause a risk of injury to young workers.¹² This assessment shall take into account the particular risk caused by the young person's lack of experience, lack of awareness of existing or possible risk or the fact that they are not fully developed. This includes assessment of equipment, exposure to physical, biological and chemical factors and the organization of work. Youths shall not perform work that exceeds their physical or mental performance, cause

¹¹

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312333:NO

¹² [FOR-2017-11-10-1778](#)

deleterious exposure to toxic or carcinogenic factors, harmful radiation, which involves accident risk, which they must be presumed not to be familiar with or involving extreme cold or heat.

Young workers are not allowed to work overtime and are not allowed to take night shifts.¹³ They also have the right to weekly leisure time of at least 36 hours continuously.

5.4 Control regime for fleet

5.4.1 The Norwegian Maritime Authority

The Norwegian Maritime Authority (NMA) is the administrative and supervisory authority related to safety of life, health, material values and the environment on vessels under Norwegian flag and foreign ships in Norwegian waters. NMA consists of its headquarters and 16 regional and supervisory offices, as well as its own department for ship registration in Bergen. The NMA conducts two types of inspection of the vessels: (1) of certificates, (2) unannounced supervisions.

The working conditions must meet the demands in ILO 188, from November 2017. The vessels are inspected while they are in port, never in open sea. However, the NMA has the authority to request the Coast Guard to do inspections of vessels at sea if there is a strong suspicion of violations regarding health and safety. The NMA is also responsible for inspecting the shipping companies/owners.

In order to improve compliance with new regulations for safety in ILO 188 vessels larger than 500 GT has to implement a specific Safety Management System, ISM certification. The number of fishing vessels with a valid certificate (International Safety Management) was 1 916 in 2018 and most are now ready for their two-year ISM revision. Smaller vessels are obliged to have a safety management system, but not necessarily according to the ISM standards.

On board, the inspectors check employment contracts, whether the employees have received safety training, cleaning, provisions, etc. The law states that all fishermen must have a 40-hour safety training course given by an approved course provider, or equivalent if from a foreign country. A repetitive 20-hour course needs to be taken every 5–8 years. The safety training gives introduction to first aid, risk assessments, saving at sea, firefighting and smoke diving. A radio safety certificate is also obligatory and updated every 5th year. Working hours should be on the agenda, but according to some inspectors, this is often problematic due to the lack of schemes for rest periods for the crew. However, the inspectors can demand information about how the regulations are obeyed. There is no supervision of payment, since there is no minimum wage in this sector. However, the authority can inspect whether the crew been paid in line with what is agreed upon in the employment contract.

From June 2017, the system of "risk-based inspections" was implemented in the Norwegian Maritime Authority. Vessels considered by the Authority to be at high risk receive more extensive inspections than others, through a system based on "traffic lights" – ships are labelled as green, yellow and red. This system is based on knowledge of the shipping company/vessels (age of vessel and type of fisheries) from previous inspections and can have some resemblance to the Labour Inspectorate's

¹³ The Norwegian Maritime Authority may grant exemptions from the ban on night work for young people who have reached the age of 15 and who are not obliged to attend school when this is necessary for their vocational training and this is done under supervision.

“social dumping-inspections”.¹⁴ In addition, a number of inspections are carried out as campaigns, in cooperation with other authorities (like Customs and the Directorate of Fisheries).

All vessels above 15 meters involved in a fishery are required to have a fishery vessel certificate. When issuing a certificate, the NMA will do a first-time inspection. Thereafter there will be regular inspections, that is, intermediate inspection every second year and a renewal of the certificate every fifth year. In total, there were just below 900 registered fishery vessels over 15 meters under the Norwegian flag in 2017 (Norwegian Maritime Authority, Risk Assessment – statistics – fishing vessels 2018). The number of vessels has been stable since 2015. Over the past five years, the NMA has conducted over 4 400 inspections, an average of 880 inspections per year.

*Table 1 Inspections by Norwegian Maritime Authority on fishery vessels above 15 meters, 2013 to 2017, by type of inspection.*¹⁵

Inspection type	2013	2014	2015	2016	2017	Total
Regular Inspections	490	407	406	400	396	2099
Inspections in connection with changes to the vessel	120	142	144	152	206	764
Inspections on ISM and ISPS*		2	9	192	180	383
Unannounced Inspections	71	77	54	47	53	302
First-time inspection	43	58	45	31	78	255
Inspections in connection to ship wreck/damage	19	13	10	12	11	65
Other Inspections	100	60	54	204	139	557
Total	843	759	722	1038	1063	4425

*ISM: International Safety Management code, ISPS: International Ship and Port Facilities Security Code

Nearly half of the NMA’s inspections are so-called regular inspections. Inspections in connection with changes on the vessel are the second largest inspection activity. Only 5 percent of the inspections in 2017 were unannounced. With the change to a more risk-based inspection practice, it can be expected that the share of unannounced inspections will increase over the coming years.

5.4.2 Norwegian Seafarers' Union

The Union for Seafarers also has fishermen as members, mainly on the deep-sea vessels. The union has its own inspectors, and one of them is dedicated to fishing boats. The aim is to visit approximately 50 vessels a year. During the inspections, crew lists are checked together with the union representative. If there is no union member present, the inspector encourages the crew to elect one representative. Health and safety issues are left to the Maritime Authority, but the inspector checks employment contracts and pay-slips, and talks to the crew independently on board, with no officers present. They will also give notice to governing authorities like NMA and police if they suspect or can prove violations. Finally, they will also try cases in a court of law on behalf of their members.

¹⁴ Social dumping occurs when foreign workers are exposed to unacceptably poor pay and working conditions, including, amongst others, breaches of health, environmental and safety rules.

¹⁵ Source: Norwegian Maritime Authority, Risk Assessment – statistics – fishing vessels (Sjøfartsdirektoratet, Risikovurdering 2018 – statistikk – fiskefartøy)

5.4.3 The Coast Guard

The Coast Guard is part of the Norwegian Armed forces. The Coast Guard operates 15 vessels of various types, sizes and capabilities, and has a separate department for fishing vessels. According to the Coast Guard Act, they can stop and investigate vessels at sea, and shall be granted unlimited access. Among the regulations that can be checked is the ship-safety act. The Coast Guard has a cooperation agreement with the Norwegian Maritime Authority, and will give them notice if they suspect breaches of health and safety regulations on board. In some cases, the Coast Guard can bring the boat to port on behalf of the Norwegian Maritime Authority. In accordance with EU directive 2002/59/EF (concerning establishment of a common European traffic surveillance and information system) the Coast Guard has established the national network AIS in Norway. All Norwegian fishing vessels longer than 15 meters are obliged to carry active tracking and surveillance equipment, AIS. The vessel monitoring regulations are mainly established in order to contribute to efficient regulation of national fisheries, but a side effect is increased safety, as the vessel position is known in case of accidents.

5.5 Control regime for onshore processing

5.5.1 The Norwegian Labour Inspectorate

The Norwegian Labour Inspectorate consists of a headquarters, seven regional offices and 16 local offices throughout the country.

The Labour Inspectorate supervises compliance with the provisions of and pursuant to the Working Environment Act (WEA) and the Law on General Application of Collective Agreements (Lov om allmenngjøring av tariffavtaler), and has free access at all times to any premises subject to the Act. The inspectors check that health and safety regulations are implemented as well as working hours. In addition, the Inspectorate has the authority to check wages within areas covered by extended collective agreements (minimum rates). Inspectors can also check housing conditions for the workers where the employer provides this. Another important task is to give guidance to employers and employees about working conditions and regulations.

There is also a separate group of inspectors dedicated to “social dumping”, where the inspections are risk-based and unannounced. These inspections occur when the inspectors suspect safety-breaches or deficient working conditions for foreign workers, based on earlier experience or tips from workers, trade unions or other companies. During the last decades, parts of the onshore processing industry have become more dependent on workers from abroad due to the lack of Norwegian labour. The NLI inspectors have special training and they normally have in-depth knowledge about the branch that they control. During the inspections, they talk to both the workers, safety representatives and the employer. When they suspect illegalities outside their own jurisdiction, the inspectors provide information to other authorities such as police (illegal employment) and tax office (breach of taxation regulation).

So-called labour-crime centres (A-krim) are established in seven cities around the country. These facilitate practical cooperation between the Labour Inspectorate, the police, the tax authorities and the welfare authorities (NAV). The centres conduct joint inspections/investigations and may also bring in staff from the fire-department, customs service, the food safety authority and municipal treasurer.

We have access to statistics from the Labour Inspectorate in the onshore processing industry¹⁶ in the period from 2015 to 2017. From these we can conclude that there has been high activity in this period, with altogether 273 inspections. The inspections are divided into several topics: health and safety in work performance and resources, organizational working conditions, physical working conditions and “social dumping”, that includes control of minimum wage. Table 2 shows the number of inspections for each topic in the Norwegian onshore processing industry from 2015 to 2017.¹⁷

Table 2 Number of inspections by topic 2015-2017 in onshore processing industry. Total numbers¹⁸

	2015	2016	2017	Total
Ergonomic working conditions	0	1	8	9
Physical working conditions	71	28	28	127
HSE work and HSE resources	81	42	33	156
Chemical and biological working conditions	24	3	14	41
Organizational working conditions	76	38	47	161
Psychosocial working conditions	1	1	3	4
Social dumping	58	22	23	103

Additionally, there are other factors subject to control at the workplaces, but these are more sporadically inspected. The inspection activity was at its highest in 2015, probably due to the introduction of the general application of the collective agreement (including minimum wage). This mechanism implies in itself that the industry is at risk regarding low wages. The general application also gave the Labour Inspectorate the right to control wages in the industry.

5.6 Number of orders

Both the Norwegian Maritime Authority and The Norwegian Labour Inspectorate have statistics regarding their inspections and number of orders. By issuing orders, the authorities instruct the companies to address breaches that the inspectors find during the inspections. The inspectors shall issue orders and make such individual decisions as are necessary for the implementation of the provisions. Orders shall be issued in writing, and time limits shall be set for their effectuation. In the event of immediate danger, they can close down the workplace

In Table 3, we show the top 10 orders issued by the Maritime Authority on fishing vessels above 15 meters.

¹⁶ Onshore processing fishing industry based on wild caught fish. Inspections in industry based on aquaculture are not part of the statistics.

¹⁷ We have limited the statistics to the period of 2015–2017 because the general applicable collective agreement was implemented from 1st of January 2015.

¹⁸ Source: statistics from The Norwegian Labour Authority (Labour Inspectorate)

Table 3 Top-10 orders given by Norwegian Maritime Authority on fishery vessels above 15 meters, 2013 to 2017, by inspection group.¹⁹

Points of inspections	2013	2014	2015	2016	2017	Totalt
Life-saving appliances	237	218	212	240	178	1085
The ship's certificates and documents	246	146	186	180	131	889
Measures against fire	141	157	142	126	123	689
Stability, construction and associated equipment	153	130	121	135	145	684
Accident prevention measures, ILO 147	61	64	95	92	59	371
MARPOL	58	50	90	73	69	340
Propulsion and auxiliary machinery	64	46	58	52	55	275
Safe navigation	35	51	77	48	53	264
Plimsoll Lines	51	43	22	49	34	199
Crew and day room (ILO147)	32	35	26	35	36	164

Table 3 shows that most of the orders issued by NMA concern safety of the vessel and for the crew. Orders regarding certificates and documents are also quite common. Orders on crew and day room are not very widespread. Even more rare are orders regarding food and catering, a total of 39 in the period. Orders on work hours and operating are even more rare, a total of seven in the period. As mentioned above, these issues are by some inspectors regarded as problematic to control. It is therefore difficult to say if the low rate on orders on working hours is due to compliance with the regulations or due to lack of relevant of tools to control it. The statistics do not differentiate between severe and less severe incidents, so the numbers also include minor violations.

The Labour Inspectorate's statistics over orders in onshore processing industry are organized in a different manner. We know how many times each topic has been controlled and the proportion of breaches connected to the topic.

Table 4 Number of times several inspection topics are controlled by the Norwegian Labour Inspection Authority, and proportion of breaches under each inspection topic. 2015–2017.²⁰

	Number of inspections	Proportion of breaches
Ergonomic working conditions	9	*
Physical working conditions	127	20 %
HSE work and HSE resources	156	20 %
Chemical and biological working conditions	41	37 %
Organizational working conditions	161	18 %
Psychosocial working conditions	5	*
Social dumping	103	31 %
Total	182	21 %

* Too few inspections present proportion of breaches

The highest proportion of breaches/orders is found on chemical and biological working conditions and on "social dumping". Concerning "social dumping", the proportion of breaches is highest on the duty

¹⁹ Source: Norwegian Maritime Authority, Risk Assessment – statistics – fishing vessels (Sjøfartsdirektoratet, Risikovurdering 2018 – statistikk – fiskefartøy)

²⁰ Source: Statistics from The Norwegian Labour Authority.

to provide information about generally applicable conditions (for example to subcontractors, suppliers and staffing agencies) and the control of compliance with these conditions. Here the proportion of breaches is 88 %. Seventeen percent of the inspections found that the workers did not get salary in accordance with the general applicable collective agreement. Regarding the regulations on hiring staff, the proportion of breaches is 15 %.

It is important to have the strategy of risk-based inspections in mind when looking at the proportion of breaches. This implies that the Inspectorate prioritizes visits to companies where they consider the risk of finding breaches is high. The proportions of breaches are therefore not necessarily representative for the onshore processing industry as a whole. According to the Inspectorate, there is often a difference between large and small companies. The larger companies are more often members of an employer's organization and covered by a collective agreement. In addition, they have in general larger administrative capacity that will help when it comes to obeying rules and regulations and cooperation with the employees.

5.7 Sanctions and maximum and minimum sentences/penalties

When ordered pursuant to the regulations, a continuous coercive fine may be imposed for each day, week or month beyond the stipulated deadline. A coercive fine may also be imposed as a single payment fine. The Labour Inspectorate may waive accrued coercive fines. If orders are not complied with within the time limit, the Inspectorate may wholly or partly halt the undertaking's activities until the order has been complied with. For the fleet, the NMA can withdraw certificates if the shipping company/owner neglects the orders or fails to pay the fines.

In the event of immediate danger, those activities that are associated with the dangerous situation may be immediately halted even if no order has been issued. There is also an opportunity to impose an administrative fine. Any proprietor of an undertaking, employer or a person managing an undertaking in the employer's stead, who wilfully or negligently breaches the provisions or orders contained in or issued pursuant to the Working Environment Act, shall be liable to a fine, imprisonment for up to one year or both. In the event of particularly aggravated circumstances, the penalty may be up to three years' imprisonment. In the Ship Labour Act, the maximum sentence/penalty is a bit different: "liable to a fine, imprisonment for up to 6 months if the workers have been employed on substantial lower conditions than set in laws and regulations". Serious breaches on the shipmaster's duty to ensure that the work has been done in line with safety regulations can lead to imprisonment for up to one year.

The seriousness of the infringement and the degree of guilt are among the conditions that are considered when it comes to determining whether an administrative fine shall be imposed, and the size of the fee.

6 Risk analysis

The Norwegian labour market is well regulated and 90 percent of the workforce reports high job satisfaction (Statistics Norway 2018).²¹ The analysis that this report is based on, shows that the legislation regarding social sustainability is extensive and covers all the factors required in ILO188 and beyond as these only apply for the fleet. The controlling authorities have the responsibility to enforce the regulations, but as for all public institutions, there will always be a lack of resources and a need for priorities. There is no suspicion that violations of the legislation are high compared to the rest of the labour market, meaning that by far most actors respect the law and follow the rules. Still, statistics show that some violations do occur; it is arguably inevitable that there will always be some opponents and offenders of the regulations. This risk analysis is done to identify the areas within social sustainability with the highest risk of non-compliance, both by conscious and unconscious actions.

The risk analysis is based on answers from the online questionnaire, interviews and secondary information. Respondents of both are people working in relevant authorities. As the questionnaire was anonymous, there is no knowledge about their position or the relevance of the addressed areas to their daily work. The in-depth interviews were conducted to get a better understanding of the scope and the respondents' interpretation of the questionnaire. These interviews cover positions that have both the possibility of observing potential violations directly, like inspectors at sea or on land, people in positions that work with analysing and managing reported offences and finally, trade union representatives.

Due to the differences within structure, regulations and controlling authorities, the analysis is split into fleet and onshore processing. Forty factors in the questionnaire were systematized into three groups; (i) Human rights, (ii) safety and working conditions and (iii) social security (for all factors with description see Appendix 1). The following section will discuss identified factors within the three groups, based on interview results; the discussion is split into fleet and onshore industry level. A description of likely victims follows, together with current routines for handling and responding to such situations. Finally, the summary discusses areas for improvements, and ongoing measures to promote further change. For further information on the methodological approach, see the Method section.

The two areas of human trafficking/slavery and child labour are treated specifically, as these are the areas which receive the main focus of international media attention and coverage in the literature.

6.1 Human trafficking/slavery

Human trafficking is modern time slavery. Appalling situations of murder and abuse have been revealed in Southeast Asia. The human rights organization Oxfam describes physical abuse and dangerous working conditions in Thai and Indonesian fleets and industry (Oxfam, 2018). In the UK some instances of confinement of crew onboard for months have been noted, bizarrely to comply with governmental immigration laws rather than any industry-based imposition. Elsewhere, concerns have

²¹ <https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/arbeidsmiljo>

been noted in the press over extreme working hours and inequitable sharing of salaries between recruiting agents and workers with little or no opportunity to seek fair redress.²²

Very few cases of suspected trafficking have been tried in the court system in Norway at all, and none from the seafood industry. Nor has this investigation found any reason to support any suspicion of the more severe areas of slavery and trafficking within the Norwegian seafood industry. Instances of discussion around trafficking in the context of Norway have occurred only in the borderline between trafficking and social dumping. Whilst such cases clearly represent areas where further improvements may be targeted, existing reportage has focused more upon linguistic difficulties in understanding and communications. The court seems to differentiate social dumping from trafficking in situations where the worker is in a particularly vulnerable situation. This might occur in cases with language challenges which make it difficult to get help from others to get out of the situation, and to understand one's rights, when the employer offers housing and the worker fear losing this if losing the job and/or when the worker has been deprived of travel documents and has no financial means available (often due to not being paid salary).^{23, 24} A few such cases from agriculture have been tested in the court.

6.2 Child labour

According to ILO, child labour refers to work that is mentally, physically, morally dangerous or harmful to children. It interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave prematurely or combining school attendance with excessively long and/or heavy work. ILO estimates that there are 215 million children still trapped in child labour world-wide. As described, the Norwegian laws and regulations regarding child labour are extensive, and the court system has never seen a case of child labour. This investigation reveals no reason to suspect that any form of child labour is happening in the Norwegian industry or in the fleet. In some cases, children participate in traditional work, like cod tongue cutting, under supervision of parents or guardians. For the few children given this opportunity, it is regarded as a privilege, provides a highly lucrative income and an important part of culture and tradition which does not interfere with school. It occurs for a very limited period of time, is highly supervised for safety and instils values of work returning rewards.

6.3 Risk analysis for the Norwegian fishing fleet

The respondents in the survey consider most factors in the questionnaire to be important, which means that the factors measured and discussed were all relevant. It also seems that the coastal fleet is more vulnerable to risks than the deep-sea fleet. The interviews revealed that representatives of the controlling authorities and trade unions more or less identify the same areas of risk as the questionnaire, apart from issues concerning cleanliness and food storage facilities (which were deemed riskier in the survey than by the respondents). The interviews also reveal that the risk often is highly related to the foreign workforce at sea. In general, the scope of violations is low, but in some

²² <https://www.theguardian.com/uk-news/2018/jul/03/suspected-slavery-victims-traumatised-by-home-office-delays>

<https://www.theguardian.com/world/2018/may/18/we-thought-slavery-had-gone-away-african-men-exploited-on-irish-boats>

²³ *Sesongarbeider-saken* (TEMSI-2015-105939).

²⁴ *Gartneri-saken* (TDRAM-2014-182097 – ikke rettskraftig).

fisheries and among some actors, there are offences within the evaluated areas. A combined likelihood and severity of violation assessment of all factors is given in Appendix 1.

For the fishing fleet identified risk areas were within:

- Safety and working conditions is the area the respondents identify as most likely to be violated. Work and rest time regulations, use and availability of protective equipment and reporting of accidents are pointed out as the most likely factors. A combined likelihood and severity of violation assessment shows, however low to medium risk in these areas.
- Human rights. Both the survey and the interviews reveal that there is a slight risk of violations within this area. Breaches on the right to notify (whistleblowing), freedom to be organized (in practice, without having any arguments with or fear from employer), fishers' employment contracts and discrimination are the areas that the respondents identify as the most likely to occur. Human trafficking/slavery and child labour are the areas rated as least likely to be violated and are rated as having very low risk in Appendix 1.
- Social security. The likelihood for violations within this area is ranked as lowest. Employment and dismissal, employee participation and recruitment and placement are areas identified with medium risk of being violated. Also, the area of cleanliness and food storage was evaluated to be of risk.

When it comes to breaches on the regulation on cleanliness and food-storage, this is first and foremost related to the small coastal fleet. Parts of the coastal fleet consists of older and smaller vessels that normally come ashore every day. This limits their effort, ability and necessity to clean, and food storage facilities might be scarce, if present at all. As they rarely stay out for more than 12 hours, this is not considered to impose any real threat to health or safety.

The risk of violations in the areas of recruitment and the use of legally correct contracts, can be explained by a tradition of most workers on the small coastal vessels being related to each other. They live in the same local communities and have a history of working on each other's vessels for generations. 'Greying' of the fleet is a factor in Norway as in many other countries, making acceptance of new regulations more difficult. In many cases, this leaves issues concerning workers' agreements in a position of neglect, often because of lack of competence. The same discussion is relevant for following hours of work and hours of rest, supervision and responsibility, work equipment and protection and reporting of accidents. Lack of competence, a tradition of not using available safety and protection equipment and the high seasonality of the fisheries are underlying reasons for these factors being considered at risk.

As previously mentioned, several of the Norwegian fisheries are highly seasonal due to the migration pattern of the different species and it is therefore, especially for the coastal fleet, necessary to exploit the season and finish the quotas while the fish is available in the best possible condition. This seasonality does not allow for the pattern of the working hours and hours of rest requested. In the deep-sea fleet where the seasonality is not such a strong issue, there is usually a shift-routine of 6-6-hour system. The NMA and Seafarers union inspect and continuously educate fishermen in the importance of these issues. Younger fishermen will usually have an upper secondary education where these issues also are part of their training.

Human rights issues of the right to notify (whistleblowing), discrimination and freedom to be organized are more concerning factors. Even though these are low risk factors, interviews reveal that an increased use of foreign labour, especially from East European countries, has increased these challenges. It is also considered that the foreign workers lack knowledge about workers' rights and "normal" Norwegian working conditions, sometimes due to language difficulties. Additionally, in most of the Eastern European countries, the union density is low, and the trade unions are weak. Considering cultural differences, including a more hierarchical society in their home country, it is more likely that these workers:

1. Do not consider violations of wage and working conditions at the same level as Norwegian workers and are thus more tolerant of deviations from ideal practice.
2. Do not find it appropriate to put demands towards the vessel management, also because of fear of losing their jobs.
3. Consider themselves lucky to get a job in Norwegian fisheries and have few, if any prospects of better pay elsewhere.
4. Have more difficulties expressing complaints to Norwegian authorities.
5. Do not know where to complain due to cultural and linguistic challenges
6. Do not have a tradition of employers' tolerance of labour organizations and trade union membership.

Thus, foreign workers are commonly found to be as the most likely victims to the severe violations. The breach of the freedom to be organized is not formalized in any way, but in practice, the workers might feel that this is impossible if they want to keep their position.

6.4 Handling risk, responding to violations and areas of improvement

The interviews also revealed that most of the fleet is practicing according to laws and regulation, and only a few actors actually try to disobey laws and regulations. Respondents pointed out that this often relates to what kind of fishery the actors participate in, and their profitability, where fisheries with low profitability are more likely to commit violations.

In order to prevent violations, controlling authorities have high competence and focus on safety, safety equipment, vessel facilities and suitability for fishing (these requirements will differ from area, species, fishing gear etc). They conduct risk based unannounced inspections regularly (though almost only when ashore), and deep-sea vessels need both certification of key personnel and of the vessel itself. If there is any suspicion of violation of these regulations, controlling authorities will request the Coast Guard to visit the vessel at sea to do a targeted inspection. An ongoing increased focus on dialogue and information sharing between NMA, the Norwegian Seafarers Union, the Coast Guard and police force will strengthen of the cooperation between the agencies. Focus on human rights issues is in general increasing and so is competence on how to discover, reveal, prove and handle violations. Currently there is a case on salary differentials being tested through a court of law, to determine if and how such this is legal or discriminatory. The result of this case potentially will have wider implications for remunerations policy throughout the seafood sector and beyond. Another factor that will highlight human rights issues is the police dedicating forces for investigation of such matters specifically within the Norwegian fleet. A further stimulus to this focus is likely to come from the increased membership of The Norwegian Seafarers Union which has occurred over the last two years. The Seafarers Union will also actively seek skippers and vessel owners, discuss contracts and conditions and give advice on

how to improve conditions for their employees. It is an ongoing discussion whether ISM certification and AIS vessel monitoring should be implemented also for smaller vessels participating in the fisheries. Also, most smaller vessels have active AIS equipment onboard and will use this during fisheries activities.

Some areas of improvement have been identified. Most of the inspectors have their background in engineering, as chief or captain on ships, thus their main competence is in the areas of safety and practical working conditions (like use of safety equipment, signs, training etc). Some do therefore, express a wish for more training in the issues related to human rights elements. ILO 188 is new to the inspectors and in some cases, they feel lack of competence.

Another area of improvement is a further increase, and ideally a formalization of cooperation between the agencies, and between agencies and trade unions. Even extending this to include other appropriate authorities like tax, customs and the Directorate of Fisheries (dealing with, i.e. stock management) will lower the level of many of the identified risk areas.

6.5 Risk analysis for the Norwegian onshore processing

As was the case for the fleet, the respondents consider all the factors evaluated to be important, which means that the factors measured and discussed were all relevant. A combined likelihood and severity of violation assessment based on both survey and interviews of all factors is given in Appendix 1, which shows that in general, the risk of violations is low in most cases, medium in a few.

For the onshore processing, identified risk areas were in respect of:

- Safety and working conditions. This group of factors is identified as most likely to be violated. Protective work equipment, ventilation and heating and noise and vibration, working hours and rest periods and reporting of accidents were highlighted as the factors with highest likelihood of infringement.
- Human rights. Whistleblowing, freedom to be organized, lack of collective agreements, lack of employment contracts, regular and fair, equitable salaries and discrimination were the areas ranked as most likely to be violated. Child labour and human trafficking were ranked as least likely to be violated.
- Social security. This group of factors is identified as least likely to be violated. Employment and dismissal is the factor ranked as very likely to be violated within this group.

The capture-based seafood industry is highly seasonal, producing the main part of their yearly value in 3–4 months. This seasonality makes laws regarding working hours and rest periods more difficult to follow, thus in the busiest periods violations can happen due to pressure to process the fresh seafood as quickly as possible to maintain quality. The laws and regulations regarding working hours are complex and easy to violate based on misunderstandings of the regulations themselves. During the peak season, systems for reporting of accidents and the use of proper protection equipment also might falter.

Seafood is very temperature-sensitive and thus the production facilities are often cold and wet, and machines for filleting, cutting, gutting, etc. make noise and vibrations, contributing to a rather hard work environment, all to maintain the quality of the products. Hearing protection is often mandatory

and available, but it might be left unused by the employee. The facilities for eating and breaks are usually heated and in a clean and comfortable zone of the factory and breaks are usually mandatory every second hour.

Challenges with employment contracts and freedom to be organized is rare, but serious. Most Norwegian workers experience no such things, but those who do experience them first hand or see others put in danger might find it hard to report formally (whistleblow). Larger companies usually have systems in place to make sure such reports are registered, handled and that the reporter is sheltered. However, smaller companies might not have such formal systems in place.

Due to seasonality and lack of access to Norwegian workers (being mainly situated in the rural areas) the seafood industry in Norway has historically employed a large number of foreign labourers, and this level is now higher than ever before (Henriksen *et al.*, 2017). The use of foreign workers is seen as positive, as they contribute in small local communities, particularly when moving their families from their home countries and settling. On the other hand, foreign workers are also identified as the most likely victims of breaches and violations of the regulations. As in the fleet, the foreign labour nowadays usually comes from Eastern Europe. The use of foreign seasonal labour tends to make safety measures more difficult to implement as the labour may lack experience (though several will come back year after year), may be accustomed to lower workplace standards and struggle with language and cultural barriers.

According to interviews, it has become more common to hire the workers through temporary agencies, i.e. that the workers are not permanently employed. The use of agencies puts a higher demand on employer to control that conditions given to the worker by the agencies conform to Norwegian laws and regulations. Not all employers are aware of this or have the ability or competence to do the appropriate background check. This increases the risk of violations.

Foreign labour can lack knowledge of what is considered acceptable working conditions in Norway, their right to be organized and where to report violations. Furthermore, they sometimes live in houses provided by their employer, they are not members of the trade union and salary can be discriminatory and there has been a few examples of claims from the foreign workers that parts of the salary have been withheld. There are also examples of working hours exceeding the normal 8 hours a day, without proper overtime compensation.²⁵ There are relatively few cases regarding low salary considering the size of the industry, but it is worrying that the number of reported cases is increasing, according to trade unions and inspectors. The increase in cases is most likely the result of several issues; increased focus and inspections, better information about the level in the general applicable collective agreements and working conditions as well as an actual increase in incidents. There have also been examples of housing below acceptable standards that is considerably overpriced.

Interviews also reveal that a few companies who are not members of the employer union (NHO) do not allow trade unions to enter the company for inspection, even if they have members employed. Such companies make whistleblowing even more important in order to reveal actual working conditions.

²⁵ https://www.nrk.no/finnmark/fiskebruk-mistenkes-for-a-utnytte-utenlandsk-arbeidskraft_-flere-tor-ikke-ga-til-sak-1.14311522

6.6 Handling risk, responding to violations and areas of improvement

Most companies treat their labour according to laws and regulations, and if violations occur, they are usually only minor issues. In case of suspicion of violations, the trade unions normally will report to The Norwegian Labour inspectorate (NLI), which has the legal authority and can take action. The NLI conducts risk-based inspections, with more effort towards those considered high-risk workplaces. The police is also increasing its focus on the labour situation in the seafood industry. They are making efforts to build competence, and are actively contacting the trade unions and the NLI to get information and to support their actions. Efforts are made within the NLI to clarify rules and regulations regarding housing conditions and cost of housing for hired foreign labour. All authorities and the trade union work towards increased understanding of the importance of using proper protective equipment to avoid accidents and long-term health challenges in the work places.

Continuous focus on information sharing, information gathering and involvement of A-Crime centres are expected to give results both within revealing and preventing violations. In addition, focus from the press is regarded as positive as this will increase public attention and involvement. Finally, it is regarded as positive that cases are brought forward, reported and tried in court, as this is an indication that the system works

6.7 Summary

The results show that Norway has regulations and systems that cover the whole range of social sustainability issues mentioned in international agreements, and in case of violations, the control system and sanctions are in place. This document shows that there are some challenging areas, but the authorities and trade unions are continuously working on improvements.

In general, the risk of violations of the social sustainability regulations can be regarded as low. However, foreign labour has a slightly higher risk potential than others, both in the fleet and in the onshore processing industry.

Human trafficking, slavery and child labour, described in an international context, appear to be absent in the seafood industry. The focus on social sustainability is increasing and this is also shown in the measures taken by the authorities like risk-based inspections and increased cooperation between the different authorities.

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Appendix 1 – Factors evaluated and definitions

The factors are described by compliance criteria based on Norwegian laws and regulations. As not all apply to all parts of the industry it is mentioned who the factors apply (A) to; Deep Sea Fleet (DF), Large Coastal Fleet (LC), Small Coastal Fleet (SC) or Onshore Processing Industry (PI). A qualitative risk evaluation (R) is based on the questionnaire and interviews and every factor is evaluated according to likeliness and severity of violations in 5 categories: Very Low Risk (VL), Low Risk (L), Medium Risk (M), High Risk (H) and Very High Risk (VH). The risk evaluation is done as an evaluation in a Norwegian context, not taking into account international standards.

Factors	A	R	Compliance criteria
Human rights:			
Forced labour/ human trafficking	DF, LC, SC, PI	VL	Workers can leave the workplace and decide over their own free time. The employer does not hold back ID papers, parts of salary, possessions and the like to force the worker to continue working.
Child labour and protection for young workers (under 18)	DF, LC, SC, PI	VL	Children under the age of 15 or in school age should not participate in working life. To work aboard a ship, you have to be at least 16 years of age. As part of schooling, the age is 14 years Special attention must be given in regards of health, development, environment and schooling to workers under 18 years of age. Younger children can take part in cultural work, as long as it is voluntary and it does not harm their safety, health, development or schooling.
Freedom of speech and whistleblowing	DF, LC, SC, PI	L M*	All employees, including seasonal and part time workers, are entitled to and should be encouraged to notify/ blow the whistle on unacceptable conditions in the work place regarding wages, health, environment and safety (working conditions). Systems for formal reporting to correct authorities must be in place at workplaces with more than five employees and routines must be implemented to ensure the confidentiality of the reporter. Employee shall not fear or experience any form of retaliation.
Freedom to be organized	DF, LC, SC, PI	L	Employees can choose to organize themselves, without any form of influence or fear of reprisal from the employer and / or colleagues
Right to collective bargaining	DF, LC, SC, PI	L	The company and the employees' union representative shall enter collective negotiations on wages, conditions at the workplace, conflicts and other matters relevant. Solutions may not conflict with valid collective agreements. Prior to negotiations, all parties must have access to the same information. Negotiations take place with a genuine attempt to reach agreement, and all parties must respect the agreement that is reached.
Employment contracts	DF, LC, SC, PI	L M*	There must be a written employment contract between employer and employee. For employees on ships, the agreement must be signed before the employee goes on board. The minimum requirements for the content of the employment contract, described in legislation, must be fulfilled.
Documented regular salaries	DF, LC, SC, PI	L	Salaries are paid according to agreements and regulations. The employer cannot hold back earned wages. With each payment the employee receives a written pay check with information on earned wage, statutory deductions and any other deductions that have been agreed upon in the employment contract. Inspection of paid salary can be done by appropriate authority.
Fair salaries	DF, LC, SC, PI	VL M*	Salary level is in accordance with valid collective agreements and legislation. It is not allowed to pay different wages for the same work based on factors like sex, ethnicity, political views, religion and disabilities.
Women's rights / equality/ anti-discrimination	DF, LC, SC, PI	L	Gender discrimination is not allowed. This applies both to recruitment, salary level, working conditions, promotions, etc.
Discrimination	DF, LC, SC, PI	L	Under no circumstances should anyone be discriminated, harassed or instructed to discriminate or harass others. Differential treatment is allowed when based on objective criteria and in accordance with the law.
<ul style="list-style-type: none"> A separate level of risk is set for foreign workforce. 			

Factors	A	R	Compliance criteria
Safety and Working conditions			
Safety Course	DF, LC, SC	VL	All fishermen must complete their 40-hour safety course before they can start work on board a fishing vessel
Medical examination	DF, LC, SC	VL	Fishermen who will have their work on board fishing vessels longer than 15 meters and be more than three days from port shall be approved by a recognized seafarer's doctor.
Training of handling gear	DF, LC, SC, PI	M	Training in use of equipment must be provided to ensure that the employee can perform the job in a good and safe manner. Additional training must be provided when new equipment or new machines are to be used. All training must be documented in writing.
Supervision and responsibility	DF, LC, SC, PI	L	The owner of the vessel is responsible for ensuring that the skipper on board has the necessary resources and facilities to carry out his / her job. The skipper/employer is responsible for ensuring that work and conditions are in accordance with the laws and regulations, and with regard to health, safety and environment (HSE). Employer must make sure that laws and regulations are followed. Employee is responsible for using appropriate safety equipment and making sure that efforts taken by employer towards health, environment and safety are followed.
Work and rest time regulations	DF, LC, (SC), PI	M	Vessels at sea or more than three days – minimum hours of rest should not be less than: 10 hours in any 24-hour period, and 77 hours in any seven-day period. Exceptions may be permitted by competent authority for specified reasons. PI: Over a period of 12 months one should not work on average more than 48 hours per week. During a period of 24 hours there should be at least 10 hours of rest. The rest period can be divided into two periods. A rest time may not be shorter than a clock hour. During 168 hours (1 week) there should be at least 77 hours of rest. There can be no more than 14 hours between two periods of rest.
Inspections/ reporting of accidents	DF, LC, SC, PI	M	Accidents must be reported in systems for internal control. Serious accidents must be notified to the authorities
Protective equipment - work	DF, LC, SC, PI	M	Employees must be allowed to actively participate and contribute to a company's organized HSE work and with this ensure that the job is carried out safely and the workplace is a safe and secure workplace. Workers must be equipped with safety equipment which is in accordance with regulations, and shall inform the employer if the equipment is incorrect or has deficiencies that endanger safety.
Manning and guarding	DF, LC, SC	VL	The vessel shall be sufficiently staffed at all times to ensure that the operation and navigation of vessels takes place in a safe and secure manner. Vessels over 15 meters have set a minimum amount of manpower.
Crew list	DF, LC, SC	L	All fishing vessels over 15 meters shall have an updated electronic crew list aboard that vessel leaving the quay. The crew list contains information about those who are on board and their work tasks / jobs throughout the period the vessel is out at sea.
Vessel monitoring system	DF, LC	VL	All vessels over 15 meters shall have active vessel monitoring system continuously reporting position of vessel.
Safety equipment - accidents	DF, LC, SC, PI	L	Alarm system and warning equipment shall be installed where there is a need to be able to notify employees and relevant rescue and emergency services about accidents and emergencies. When it comes to safety, machinery and technical facilities must be equipped with an alarm system and automatic stop systems. The workplace must be fireproof. The quays are secured with a lifebuoy and it should be possible to get out of the water without the help of others. Appropriate first aid equipment should be easily accessible, well-marked and in sufficient quantity.
Working facilities	PI	L	The workplace should be shaped according to laws and regulations, and secure a safe workplace with a satisfactory standard.
Ventilation/ heating and noise vibration	DF, LC, PI	L	FLEET: The ventilation system shall be in accordance with regulations for construction year and size of the vessel. For vessels over 15 meters, the ventilation system must be of non-combustible material. All rooms must be well ventilated with clean air, it should be a comfortable temperature without being exposed to draft. In rooms where needed, noise at the outlet should be reduced. It must be possible to stop the ventilation system outside the individual rooms. On fishing vessels over 15 meters, the living room must be satisfactorily heated. A temperature of at least 22 ° C should be kept at an outdoor temperature of -15 ° C below

			PI: Workplaces must be designed and decorated in such a way that there is a satisfactory climate with regard to temperature, humidity, draft, air quality, etc. Workers must be protected against substances that are hazardous to health. Workers should, as far as possible, be protected against noise and vibrations.
Signs and marking	PI	L	Safety signs should quickly and effectively direct attention to the purposes and situations that may pose a danger. The employer is responsible for signs.

Factors	A	R	Compliance criteria
Social security			
Insurance	DF, LC, SC, PI	VL	The employer is obliged to take out occupational injury insurance for the employees.
Pensions	DF, LC, SC, PI	VL	Pension agreement according to the National Insurance Scheme, the Guarantee fund for fishermen and the law on mandatory occupational pension.
Rights in the case of sickness	DF, LC, SC, PI	VL	The Norwegian National insurance act makes provisions for benefit in the event of sickness, physical defect, pregnancy and birth, unemployment, old age, disability, death and loss of breadwinner.
Right to vacation	DF, LC, SC, PI	L	The employees have right to vacation according to the law of vacation. Ordinary rule is 25 working days' vacation each year. Workers over 60 years of age are granted an extra 6 working days off. Execution of vacation must be done according to the law, and generally with 18 consecutive days between 1. June and 30. September, unless otherwise agreed upon.
Employment and dismissal	DF, LC, SC, PI	L M*	The general rule is that an employee shall be appointed permanently. Temporary appointment may nevertheless be agreed upon on certain conditions. The contract of employment shall state the periods of notice applicable to the employee and the employer. Unless otherwise agreed in writing a period of one month's notice shall be applicable to either party. Before making a decision regarding dismissal with notice, the employer shall discuss the matter with the employee and the employee's elected representatives. A lawful dismissal must be reasonably justified.
Lighting for safety and comfort	DF, LC, SC, PI	L	There should be sufficient light for workers, both natural and artificial light. There must be visibility to the outside from the workplace where possible. For those who work outdoors, it must be ensured that they have enough light to carry out the job safely throughout the year. Artificial light must not be a security risk. There should be a system for emergency lighting, especially for emergency exits. There must be electric and natural light that meet the minimum requirements described in legislation in relation to the year of construction and size of the vessel. There must be a system that provides emergency lighting in emergency situations, this system must be connected to a battery system. There should be natural light in the messroom and as far as possible in sleeping cabins as well as reading lights.
Employee participation (Information and discussion)	DF, LC, PI	M	In companies with more than 50 employees, the employer must inform and discuss issues of importance to the employees 'working conditions with the employees' elected union representatives. Additionally, all businesses with at least 50 employees are obliged to establish a working environment committee.
Recruitment and placement	DF, LC, SC, PI	L M*	The employer shall inform the employees concerning vacant posts in the undertaking. Workers hired from temporary-work agencies shall be similarly informed. The employer must report vacant positions to the Norwegian Labour and Welfare Administration. It is not allowed to use any tools that intend to prevent certain people from getting work. It is not allowed to charge fees or commissions to recruit labour. Fleet: If workforce is recruited via agencies employer must be able to document that the agency operates from Norway, countries that has ratified ILO 188 or that the company has procedures equal §3. Vessel owners are obliged to make sure that the agency fulfils rules and regulations.
Personnel room	PI	VL	Personnel rooms should be appropriately placed in relation to staff entrance and work place. All users and the nature of the work must be taken into account when designing and dimensioning the room.
Wardrobe	PI	VL	Workplaces should normally have separate wardrobes for women and men. Each employee should have sufficient space for their stuff. Employees should have the opportunity to lock up their belongings. There should be enough space for changing, there should be mirrors and satisfactory ventilation.

Eating room/ area	PI	VL	Employees should have access to a dining room, possibly a satisfactory room outside of the business. Dining rooms must be large enough to accommodate everyone who normally eats at the same time. They should be suitably furnished. If necessary, it should be furnished so that workers can cook there.
Laundry room	PI	VL	There should be satisfactory laundry facilities available for employees. There should be a suitable room for cleaning equipment, furnished according to use.
Toilets	PI	VL	There should be an appropriate number of toilets in relation to employees. There should be separate toilets for men and women and there should be a washbasin available near the toilet
Mess room, galley spaces and accommodation	DF, LC	VL	On vessels over 15 meters, the galley spaces should be large enough and satisfactorily equipped for those who will use it. The spaces should not be in the collision bulkhead
Sleeping arrangements	DF, LC	VL	In fishing vessels longer than 15 meters, the sleeping cabins should not be in the front of the ship. Each on board has its own bunk and bedding. There should be max two people per cabin and the minimum size of the cabin must be met. It must be possible to store personal belongings in the cabin, and there shall be a lockable cabinet available.
Sanitary/ laundry facilities	DF, LC	VL	On vessels longer than 15 meters, there should be shower/ bath, wash basins and toilets available to everyone on board. The sanitary facilities must meet the current requirements and standards in terms of health, hygiene and privacy. There should be sufficient facilities to launder and dry clothes on board vessels over 15 meter.
Facilities for injured/ sick	DF, LC	L	On vessels over 15 meters, a specific cabin shall be available to persons suffering from illness or injury. On vessels with more than fifteen people on board, and who are normally over three days on sea, there must be a separate hospital room which is satisfactorily furnished and cleaned.
Provisions/ food storage	DF, LC	L	Food provision must be healthy, sufficient, and as far as possible should be composed in accordance with the government's nutritional advice. Cooking and serving food should be done in a hygienic manner. Religious and cultural customs must be taken into account. On vessels longer than 15 meters, provisions shall be stored in a place as close to the galley as possible, in a hygienic and food-safe manner in accordance with regulations.
Recreational facilities	DF, LC	VL	There should be a day room available for employees during their breaks and rest time. There should be available recreational facilities, equipment and services.
Cleanliness and habitable conditions	DF, LC, SC, PI	L	All rooms and cabins must be tidy and clean. Special requirements can be set for employees and areas in contact with food.
Food and water availability	DF, LC, SC, PI	VL	There should be enough drinking water and food available to everyone on board at all times. Onshore staff must have sufficient drinking water available.
Minimum wage per hour	PI	VL	In Norway, several collective agreements have been given general application, including the agreement for the onshore processing industry. This means that parts of the agreement concerning minimum pay have been made statutory, and apply to all employees within the industry (including those not members of a trade union)
Additional pay for overtime	PI	L	Additional overtime should be voluntary and paid by a minimum of an extra 40% of normal salary. Overtime can also be taken out as time off.
*A separate level of risk is set for foreign workforce.			

Appendix 2 – laws and regulations regarding deep sea fleet

Law and regulation full name	Acronym
The Constitution of Norway	CN
The Basic Agreement	BA
Convention for the Protection of Human Rights and Fundamental Freedoms, article 4 (The human rights act) LOV-1999-05-21-3	CHUM
Penal Code	PC
The Ship Safety Act	SA
Regulations on work and deployment of young people on Norwegian ships (2002-04-25-423)	RYNS
The Ship Labour Act	SLA
Labour Disputes Act	LDA
Regulations on employment agreement and salary settlement (FOR-2013-08-19-1000)	REAS
The Ship Labour Act chapter 4, Regulation of 19 August, 2013, No. 1000 on employment agreements and pay statement	SLA No 1000
The Equality and Anti-Discrimination Act	EAD
Regulation on holiday for employees on ships	RHS
Regulation on work environment on ships (FOR 2005-01-01)	RWENV
Regulations on working environment, safety and health for those who work on board ships	RWESH
Regulation on medical examination on ships (FOR-2014-06-05-805)	RMED
Regulation on working- and rest hours at Norwegian fishing vessels (FOR-2017-11-10-1758)	RREST
Regulations on safety training for fishermen (FOR-1989-02-10-88)	RSAFE
Regulation on crew of Norwegian ships (FOR-2009-06-18-666)	RCREW
Regulation on report obligation at sea (FOR 2008-06-27)	RREP
National Insurance Act	NIA
Law on pension for fishermen (1957-06-28-12)	LPEN
Regulations on reporting of position and electronic reporting for Norwegian Fishing vessels. (FOR-2009-12-21-1743)	RPEL
Guarantee fund for fishermen	GFF
Regulation concerning the construction, equipment, operation and inspection of fishing vessels with a maximum length of 15 meters or more (FOR-2000-06-13-660)	RCEOI

Factor	Law and regulations controlling the factor
Human rights	
Forced labour/ human trafficking	ILO no, 29, CN, § 93 CHUM0, PC §§ 257-260
Child labour and Protection for young workers (under 18)	ILO 188 art 9 and 31, SA § 18, RYNS
Freedom of speech and whistleblowing	ILO 87, CN § 100, SLA §§2-6,2-7,
Freedom to be organized	ILO 87, ILO no: 98 art 49 - 56, BA, ch.II
Right to collective bargaining	ILO 98, LDA
Employment contracts	ILO 188 art. 16-20, 34-39, SLA §§ 3-1, 9-6 (2), REAS
Documented regular salaries	ILO 188 art. 23-24, SLA chapter 4 No 1000, BA, SLA § 4-2
Fair salaries	CN section 110
Women rights / equality/ anti-discrimination	ILO no. 111, EAD Act (section 2 and 5), SLA (section 10), BA
Discrimination	ILO no. 111, EAD Act (section 2 and 5), SLA (section 10), BA
Workand rest time regulations	ILO 188 art 13-14, The SA §§ 23-24, RREST
Safety and working conditions	
Safety Course	ILO 188 art 8, 31, 32-3, 33, The SA §§ 22, 29, 30, RSAFE §§3-4, RWESH § 2-6.
Medical examination	ILO 188 art.10-12, The SA §17, RMED
Training of handling gear	ILO 188 art 31, The SA §24
Supervision and responsibility	SA §§21-22, RWENV (FOR 2005-01-01)
Inspections/ reporting of accidents	ILO 188 art 31 d, e, 40. SA chapter 7, RREP
Protective equipment - work	ILO 188 art. 32. SA §21
Manning, guarding and crew list	ILO 188 art. 13,14, 15. SA section 15 - 16 , RCREW section 14
Vessel monitoring system	RPEL
Ventilation/heating and noise vibration	ILO 188 art. 26c, 28, SA sections 21, RCEOI chapter 5 (§5-30) 11 (§11-5 and 11-6)
Safety equipment - accidents	ILO 188 art 29, 30. SA §2,7 RWENV
Social security	
Insurance	ILO 188 art. 38, NIA§13-7,
Pensions	ILO 188, art 34-36, NIA, LPEN, GFF
Protection in the case of work-related sickness	ILO 188 art. 38, NIA§13-7,
Right to vacation	ILO 132. RHS(FOR-1989-12-22-1285)

Employment and dismissal	SA
Lighting for safety and comfort	ILO 188 art. 25, 26e, 28, SA sections 21, 22, 22a, 25, RCEOI chapter 11 (§§11-8, 11-9)
Employee participation (Information and discussion)	SLA chapter 10, BA
Rights in case of sickness	ILO 188 art. 38, NIA§13-7,
Mess room, galley spaces and accommodation	ILO 188 art. 25, 26f, 28, SA sections 21, RCEOI chapter 11 (§§11-14, 11-16)
Sleeping arrangements	ILO 188 art. 25, 26e, 28, SA sections 21, 22, 22a, 25, RCEOI chapter 11 (§§11-10, 11-11)
Sanitary/ laundry facilities	ILO 188 art. 25, 26f, 28, SA sections 21, RCEOI chapter 11
Facilities for injured/ sick	ILO 188 art. 25, 27, RCEOI chapter 11 §11-12
Provisions/ food storage	ILO 188 art. 25, 27, RCEOI chapter 11 §11-12
Recreational facilities	ILO 188 art. 25, 26, RCEOI chapter 11 §11-21
Cleanliness and habitable conditions	ILO 188 art. 25, 27, RCEOI chapter 11 §11-4
Food and water availability	ILO 188 art. 25, 27, RCEOI chapter 11
Authority obligation	
Compliance and enforcement	ILO 188 art. 40, 43, SA chapter 9
Qualified inspections	ILO 188 art. 42, SA §§ 43-44

Appendix 3 – laws and regulations regarding onshore processing

Law and regulation full name	Acronym
The Constitution of Norway	CN
The Basic Agreement	BA
Labour Disputes Act	LDA
Criminal Code	PC
Convention for the Protection of Human Rights and Fundamental Freedoms, article 4 (The human rights act) LOV-1999-05-21-3	CHUM
The Working Environment Act	WEA
The Equality and Anti-Discrimination Act	EAD
Regulation on performance of work and technical requirements (FOR-2011-12-06-1357),	RTEC
Regulations concerning the design and layout of workplaces and work premises (FOR-2011-12-06-1356)	RLAY
Regulations concerning Organisation, Management and Employee Participation, ch. 13 (FOR-2011-12-06-1357)	RPART
National Insurance Act	NIA
Act Relating to Holidays	RH
Law on occupational injuries insurance	LINJ
Law on general application of collective agreements	LCOL
Regulation on general application of the collective agreement for onshore processing fishing industry (FOR-2018-10-12-1702)	RCOL
Mandatory occupational pension law	PenL

Factor	Law and regulations controlling the factor
Human rights	
Forced labour/ human trafficking	ILO no, 29, CN § 93 CHUM0, PC §§ 257-260
Child labour and protection for young workers (under 18)	WEA §11-1, CHUM, WEA ch. 11
Freedom of speech and whistleblowing	ILO 87, CN § 100, WEA ch.2
Freedom to be organized	ILO 87, ILO no: 98 art 49 - 56, BA, ch.II
Right to collective bargaining	ILO 98, LDA
Employment contracts	WEA §§ 14-5 - 14-8,
Documented regular salaries	WEA § 14-5, BA § 11-1 -11-3
Women rights / equality/ anti-discrimination	ILO 111, EAD, WEA ch. 13
Discrimination	ILO 111, EAD, WEA ch. 13
Workhours	WEA ch. 10
Safety and working conditions	
Training for handling gear	WEA ch 3
Inspections/ reporting of accidents	WEA ch. 5
Protective equipment - work	WEA ch 3
Safety equipment - accidents	RTEC, RLAY
Working facilities	RLAY
Ventilation/heating and noise vibration	WEA §4-4, RLAY
Signs and marking	RLAY
Social security	
Insurance	NIA ch. 8
Pensions	NIA ch. 8, PenL
Protection in the case of work-related sickness/ injury	NIA ch. 13, LINJ
Right to vacation	RH
Employment and dismissal	WEA
Lighting for safety and comfort	RLAY
Employee participation (Information and discussion)	WEA ch.7 and 8, BA
Rights in case of sickness	RPART ch 13
Personnel room	RLAY
Wardrobe	RLAY
Eating room/ area	RLAY
Laundry room	WEA §4-1, RLAY
Toilets	WEA §4-1, RLAY
Cleanliness	RLAY
Water availability	RLAY
Minimum wage per hour	LCOL, RCOL
Additional pay for overtime and/ or shift work	RCOL, WEA §10-6
Authority obligation	
Compliance and enforcement	WEA, ch. 18
Qualified inspections	LDA

