



# On the line

## Worker Treatment and Conditions at MOWI Rosyth

## Introduction

The Mowi Scotland Rosyth plant processes, Scottish reared, farmed salmon. The site employs approx. 1000 workers – this is split between full time workers and those on temporary contracts. The Bakers Food and Allied Workers Union (BFWAU) has a significant number of members working at the plant.

This report will outline our concerns about health and safety at Rosyth and consider what is required to improve the working conditions of our members, and all other workers, at the plant. The report is based on the testimonies of current and past members.

Prior to publishing this report, we wrote to the management of Mowi in Scotland expressing our members' concerns. Their response did not address the concerns we raised with them (please see both our letter to the company and their response as appendices at the end of this report).

Following our letter we have been advised by workers at Rosyth that the company stopped some shifts to speak to the workforce on health and safety. Some of the workers we have spoken to said this is the first time they have experienced them conducting such a meeting.

Since we started writing to the company we have also heard from our members that there have been some improvements in health and safety practices. They specifically mentioned the greater availability and types of PPE available and more regular cleaning of the toilets as evidence of improvements.

These improvements, and the fact Mowi management spoke to the workforce about health and safety, demonstrate the positive influence that trade unions can have on health and safety, even within a company that still refuses to recognise or properly engage with our trade union.

In responding to our concerns, in feeling compelled to act, they have strengthened our arguments about the benefits of trade unions in the workplace and why they should engage with us. Albeit there is still much more to be done to improve health and safety at Rosyth.

If the company was engaging with our union as a matter of course, health and safety improvements would be exponential. Because trade unions working with employer's help make workplaces healthier and safer.

We have also written to the Health and Safety Executive requesting that they investigate our concerns. Disappointingly the HSE have said that after assessing our letter they would 'not be taking any direct action in relation to the matters raised'. We will be sending them a copy of this report and asking them to again to investigate our concerns.

The report below will outline the context in which the workers at Rosyth are operating. We hope that Mowi as a company will consider these issues even more carefully and act to

make further improvements in the areas that we have identified. We still hope that they will work, and constructively engage, with the BFAWU when doing so.

In beginning this short report, we want to first briefly set out the wider context to our attempts to engage the company and drive improvements for our members working at Rosyth.

## Salmon Industry Concerns

Scotland has long debated the merits of the Scottish salmon industry. These discussions almost always concern the conditions relating to fish welfare, the impact on wild stocks and the wider environment. Rarely, if ever, are the conditions facing the people working in the salmon industry, on the agenda of politicians, policy makers and salmon industry lobbyists. The recent Scottish Parliamentary inquiry into Salmon Farming, for example, failed to address the working conditions of staff. It is right, of course, that fish welfare and natural habitat are highlighted and protected. We support all efforts to ensure this occurs. However, it is also critically important that workers are protected too and that their health and safety is also focused on and improved.

## Fair Work Agenda

Employment law is reserved for the UK government. Despite this and its limited powers the Scottish Government created, what is known as, "The Fair Work Agenda." According to the Scottish Government it is designed to make work fairer in Scotland. Amongst the metrics that constitute fairness at work is collective bargaining and the ability of trade unions, on behalf of workers, to negotiate for them. The Scottish Government states in their Fair Work Action Plan:

- ...how we might extend collective bargaining in the initial key sectors identified in the previous Fair Work Action Plan, but also more widely in other under-represented sectors....
- ...to progress specific projects which deliver our Fair Work ambitions. These include outcomes which will ultimately help to increase collective and sectoral bargaining in targeted sectors; and which increase the leadership capacity of under-represented groups within affiliate unions and build their capacity in the promotion of workplace equality.
- We will work with employers, workers and trade unions to strengthen effective voice, through a range of appropriate channels. We will do this by supporting strong trade unions and, in line with our NPF employee voice indicator, will promote the benefits of collective bargaining (including sectoral agreements) and other forms of effective voice at individual and collective levels.

The Scottish Government also states that an intended outcome is for 'Increased collective bargaining coverage, higher standards of pay and conditions and increase employee engagement.'<sup>1</sup>

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[1] <https://tinyurl.com/2hzbssz8>

Words are one thing, extending collective bargaining agreements (that can and do help improve health and safety) across workplaces with employer's hostile to trade unions is another. In these types of workplaces, workers would hugely benefit from trade union representation and collective bargaining agreements. This would also include improving health and safety governance and practices.

When we as a trade union wrote to the Scottish Government asking them to help us engage Mowi in order to help us work towards a collective bargaining agreement Scottish Government Minister for Employment and Investment, Tom Arthur, said:

*"While I am supportive of your campaign in terms of recruiting members with a view to achieving recognition, it is not appropriate for Scottish Ministers to make representation to employers on a trade union's behalf."*<sup>2</sup>

The workers at Mowi need trade union representation and a collective bargaining agreement that can help ensure they are paid fairly and which prioritises their health and safety. Unfortunately, Mowi is an example of an employer, despite being the recipient of significant UK and Scottish government grants and subsidies, which has disregarded both the spirit and objectives of the Scottish Government's Fair Work Agenda.

The company has refused to meet with and engage with our union despite our many attempts to do so. The result is that the BFAWU is unable to properly represent and directly negotiate on behalf of our members and the wider workforce, on issues such as pay and health and safety. Our only avenue is to compile evidence and lay out our concerns in reports such as this and use them to apply public and political pressure and to try to protect the workers at Rosyth and help improve their workplace conditions.

## The BFAWU and Mowi

The Bakers, Food and Allied Workers Union (BFAWU) have been successfully recruiting members at Mowi in Rosyth, Scotland since the start of 2023. The response from the workforce has been excellent. The large numbers joining the union provide evidence that a large body of workers want, and feel they need, union representation at the plant. However, senior management, including Mowi's global CEO Ivan Veindheim, have refused to meet or engage with the union despite our many attempts asking them to meet with us.

This is in direct contrast to the public statements made in their annual reports and other documents about how important it is to engage with trade unions. They state how:

*"Mowi has entered into collective bargaining agreements with trade unions at various sites across other parts of the world where they operate. Most notably in Norway, where the global HQ of Mowi resides. In their 2021 Annual report they state, "Among our employees, 17% are organised in unions or collective bargaining agreements."*<sup>3</sup>

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[2] Letter from Tom Arthur to Sarah Wooley, sent 6<sup>th</sup> June 2024

[3] [https://mowi.com/wp-content/uploads/2022/03/Mowi\\_Annual\\_Report\\_2021.pdf](https://mowi.com/wp-content/uploads/2022/03/Mowi_Annual_Report_2021.pdf)

They also say in their 2021 report how:

*“Mowi respects and recognises our employees' freedom of association, and the right to engage in collective bargaining. Employees are free from reprisals due to union membership and/or engagement. Mowi is committed to and appreciates the constructive dialogue and cooperation with the labour unions and employee representatives, and we strongly believe that together we will be able to lead the way forward. In 2021, 17% of our employees were members of a labour union.”<sup>4</sup>*

In their 2021 annual report Mowi wrote about the importance of human rights and how it is at the core of their operations.

*“Human rights are at the core of a sustainable business. Our commitment to human rights in our operations as well as our supply chain is held in close collaboration with our Blue Revolution Sustainability Plan as well as the business strategy as a whole. We believe that businesses can only flourish in societies where human rights are protected and respected. In our work we aim to contribute to positive human rights impacts in the company, in our supply chain and in the world.”<sup>5</sup>*

To prove their human rights credentials, they state that it rests on their support for internationally recognised human rights principles contained in and written by various conventions and institutions, including the International Labour Organisation's (ILO) Core Conventions. Incidentally, the core conventions of the ILO include the right to collective bargaining.<sup>6</sup>

In Norway where trade unions are recognised and collective bargaining agreements are in place, unsurprisingly the pay, terms and conditions are much superior for Mowi Rosyth's, counterparts across the North Sea.

We have regularly represented individual members of the workforce at different times, such as in disciplinary processes or when our members have lodged a grievance against the company. We are also in regular contact with our membership at the processing plant in Rosyth.

What we have learned from speaking to members and from the types of cases that have emerged, is gravely concerning and challenges Mowi's self proclaimed status as champion of human rights.

Our evidence makes us concerned that at the very least they are not adhering to the spirit of health and safety legislation and not proactively putting the welfare of its workforce anywhere near enough at the heart of all that it does. Their discretionary sickness absence policy is one obvious area where their commitment to protecting the human rights of their workers is highly questionable. It is not respecting the rights of workers if sick pay is withdrawn from employees who are only off their work because they were hurt, and in an accident, at work. Yet, we know this practice occurs.

Unionised workplaces with collective bargaining agreements in place are evidently safer

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[4] [https://mowi.com/wp-content/uploads/2022/03/Mowi\\_Annual\\_Report\\_2021.pdf](https://mowi.com/wp-content/uploads/2022/03/Mowi_Annual_Report_2021.pdf)

[5] *ibid*

[6] [https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C098](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098)

and healthier. In unionised workplaces it is automatically the case that health and safety reps are elected by the union and appointed onto the workplace health and safety committee. Union health and safety reps, in this type of instance, act without fear or favour. They have the protection of the union to raise concerns when required.

The BFAWU has not yet reached the threshold required to compel the company to meet with us, as such we continue to recruit and encourage the workforce to join our trade union. However, with no formal union recognition at the plant, we are concerned that health and safety mechanisms are not proactively addressing health and safety concerns.

In non-unionised workplaces such as Mowi there is an obvious power imbalance between workers and management because there is no union protection. To avoid the potential for manipulation of health and safety governance, practices and processes, it is of critical importance that workers can raise concerns without fear of reprisals.

Properly and effectively consulting the workforce and forming a well-trained and proactive health and safety committee, that represents all constituent parts of the plant and workforce, and which is encouraged to raise concerns, is a vitally important tool to ensure health and safety. If Mowi is to improve the health and wellbeing of the workforce then regular consultations and a proactive, well-trained and independent health and safety committee are required.

If members of that committee are not well trained, not fully autonomous, not proactive and fail to have regular consultations with the workforce then it stands to reason that this has the potential to affect the health and safety of our members and all other workers in the Mowi plant at Rosyth.

We have worries, based on our members' testimonies and the non-response of the company to our letter to them, that health and safety issues are not being properly dealt with and addressed. While we give credit for some of the improvements, on toilet cleaning and PPE, that have been made, we still have other concerns, for instance that workers are not getting adequate toilet breaks as well as not getting sufficient level of breaks that consider the cold working conditions that workers at Mowi in Rosyth are having to work in.

Further concerns regarding the Rosyth site include:

- it does not have the number toilets needed for the size of the workforce
- that they are not providing a sufficient number of wash basins
- that canteen facilities are inadequate
- that workers are enduring low temperatures without mitigation resulting in health issues such as colds and chest infections
- that workers are not being regularly moved from work stations as a matter of course and how some workers could be suffering repetitive strain leading to musculoskeletal injuries as a result.

We will set out these concerns in this report, after first setting out our worries about the health and safety committee and the consultation processes in place at Rosyth.



## The Health and Safety (Consultation with Employees) Regulations 1996

This legislation places legal obligations on employers who do not recognise trade unions to put measures in place to ensure effective consultation with their workers on all matters impacting on their health and safety.

Consultation in workplaces without trade union representation can be done either collectively or individually. In workplaces of the size of Mowi it would be impractical to consult individually, therefore Regulation 4(1)(b) should apply:

*“Regulation 4 Persons to be consulted*

*(1) The consultation required by regulation 3 is consultation with either –*

- (a) the employees directly; or*
- (b) in respect of any group of employees, one or more persons in that group who were elected, by the employees in that group at the time of the election, to represent that group for the purposes of such consultation (and any such persons are in these Regulations referred to as “representatives of employee safety”).”<sup>7</sup>*

Where an employer collectively consults under these regulations there are several conditions they have to meet to satisfy the regulations; the employer should conduct a process to elect “Representatives of Employee Safety” (where the employer has chosen not to consult directly). There have been no elections at Mowi.

The Health and Safety Executive (HSE) lays out what is required of companies electing “Representatives of Employee Safety” who would then sit on their health and safety committee. They describe how:

“You only need to have elections for your employees to elect their representative(s) if you do not have trade union-appointed safety representatives; decide not to consult your employees individually; or have more than one employee volunteer to be a representative for the same group or constituency of employees.

The election of health and safety representatives does not need to be difficult, but it does need to be considered, planned, practical, fair and open. You may have a working group set up to help you start the process of consulting your workers so they can help you with the planning process.”<sup>8</sup>

Workers have told us that Mowi has not consulted with its workforce either individually or collectively – other than a poster on a wall – about the work of the health and safety committee.

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[7] <https://www.legislation.gov.uk/ukxi/1996/1513/regulation/4>  
[8] <https://www.hse.gov.uk/involvement/elections/index.htm>

The company states that a safety committee exists across all its business units. The following passage, taken from Mowi's Integrated Annual Report 2022, claims that:

*"All Business Units in Mowi are required to have, and have established safety committees. The committees have participation from both management and employees, as well as from labour unions where they have representation. All Business Units have dedicated safety representatives, who have the safety responsibility for all locations and sites in the business unit's operation."*<sup>9</sup>

This would suggest that Mowi has fulfilled its legal obligations and had a considered, planned, fair, practical and open process to ensure that a health and safety committee has been created and set up as per the regulations set out by law. We asked the company about this, they never addressed our questions.

What we have heard is that the means for communication used by the company is a poster on their noticeboard. In this poster they present the 'volunteers' on the health and safety committee. The workers we have spoken to suggest that this asks for volunteers and says to the workforce that they must contact the health and safety reps if they have health and safety concerns. What is clear, from our members, is that the committee, once 'selected/appointed/volunteered' is not proactive in soliciting views from the workforce.

They are also of the view that not all the people on the committee 'volunteered' as such and that some of those on the health and safety committee were approached and asked by managers to go on it. One former member and employee at Mowi also suggested that some of those who 'volunteered' were managers at the plant.

## How a functioning health and safety committee can drive improvements

The HSE outlines the important role that a health and safety committee can play in driving improvements if operating effectively. They describe how it is a forum where issues of concern can be raised and how it should consult the wider workforce, make recommendations to address concerns and treat facts impartially. As such the committee can play the role of health and safety guardian, overseeing patterns and trends of accidents, illness and sickness absence and proactively deal with issues that arise. The HSE describes how:

*"A committee meeting gives you the opportunity to discuss with your employee representatives the general matters about which you must consult your workforce."*

*To ensure you cover all relevant issues, the committee should agree some standing items for the agenda and allow for other items to be added as necessary. Consider standing items such as:*

- *statistics on accident records, ill health, sickness absence;*
- *accident investigations and subsequent action;*

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[9] <https://mowi.com/wp-content/uploads/2023/03/Mowi-Integrated-Annual-Report-2022.pdf>



- *“inspections of the workplace by enforcing authorities, management or employee health and safety representatives;*
- *risk assessments;*
- *health and safety training;*
- *emergency procedures;*
- *and changes in the workplace affecting the health, safety and welfare of employees.*

*If the health and safety committee is discussing accidents, the aim is to stop them happening again, not to give blame. Committees should:*

- *look at the facts in an impartial way*
- *consider what precautions might be taken*
- *recommend appropriate actions*
- *monitor progress with implementing the health and safety interventions.*

### **Good practice**

- *Think about minor incidents - when considering statistics on accident and injury records, examine information about minor injuries and incidents.*
- *Address strategic issues - to be effective, health and safety committees should address strategic issues...”<sup>10</sup>*

Based on evidence from members, including a former worker who worked closely with health and safety colleagues in the plant, we have concerns that many of these recommendations about how an effective health and safety committee should operate, as outlined by the HSE, are quite likely not being adhered to. This could be due to how they are selected, inadequate training and a lack of understanding of what is expected from a health and safety committee member. This is a scenario that would not happen in a unionised workplace, as unions would ensure their health and safety officers were fully trained.

We raise this as an issue as we know that the committee at Mowi does not as a matter of course consult the workforce, carry out risk assessments etc, Our worries are compounded from evidence provided to us by a former member who worked as a first aider, they reported that assessments on near misses rarely happened and even more worrying that in his experience accident reports were often not filled in properly. If this is indeed the case, then how can improvements be made if full information is not known because of unsatisfactory reporting mechanisms.

The BFAWU would also question the company’s assertion that every business unit has a health and safety representative, it is problematic to describe the individuals in these positions as health and safety representatives. From the evidence we can gather, it might seem to be that those in these positions are company employees carrying out these roles as part of their employment, rather than representing the interests of those working in these business units.

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[10] <https://www.hse.gov.uk/involvement/whatwillhsdo.htm>

When creating a health and safety committee the workforce must be consulted. Once a committee is functioning it should have the responsibility for updating the workforce on matters within its remit. The committee should operate openly and transparently and be the conduit for workers to inform the work of the committee through elected representatives of employee safety.

Our members do not have meetings or conversations with management or the health and safety committee. Some mechanisms as suggested by the HSE are forums such as mass meetings, other than recent meetings held on the back of the letter the BFAWU sent to the company, our members state that to the best of their knowledge no mass meetings of the workforce have taken place where the management have consulted with employees in relation to health and safety. We also asked the company about how they consult the workforce and appoint/select/elect the members of the health and safety committee. Once again, they did not answer our questions.

Speaking indirectly with the workforce can incorporate different mechanisms such as staff surveys, employee suggestion schemes, noticeboard and/or newsletters. Our members have confirmed to us that only communication via noticeboard has been deployed by Mowi's management in Rosyth.

If some people on the health and safety committee are 'selected', not elected, our doubts about the autonomy of the committee are legitimate. As is our worries about its capacity and capability to raise and address all health and safety issues and concerns with management, especially as we have heard, the committee is not proactive in consulting with the workforce. We also have concerns about the level and efficacy of training health and safety committee members have had.

We also wonder whether the health and safety committee represents all constituencies of workers in the plant, such as those where English is not their first language. We have no idea either about how proactive, confident and able the health and safety reps are to challenge the management about concerns raised by the workforce. Ultimately, we have concerns about the effectiveness of the current health and safety committee in optimizing and improving the health and safety of the workforce.

## **MOWI Workers' Concerns**

The Health and Safety at Work Act 1974 last year reached its 50<sup>th</sup> anniversary, the Robens Commission had a vision that health and safety would be more effectively managed by those who create the risks, (employers), and those who work with them, (the workers) with minimal interference for the state, (the regulators).

The beneficial role that an effective and functioning health and safety committee can play within any workplace cannot be overstated. Small issues can be nipped in the bud before they become bigger problems, and the health and safety of employees can be improved and enhanced if a proactive health and safety culture is created.

This necessitates an employer who follows both the law and the spirit of the law.

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[10] <https://www.hse.gov.uk/involvement/whatwillhse.htm>

Unfortunately, we have concerns that Mowi, at the very least, is not embracing this spirit and proactively placing health and safety at the heart of its operation. If there was a proactive approach that puts the duty of care and the health and wellbeing of their workforce as a central priority, then much of what's set out below would have been addressed by the health and safety committee.

The issues set out below have been learned from our members.

## Toilets

We have two main concerns about the toilets at Mowi. One is the number of toilets that are in place. Second, is the approach that is taken by the management when it comes to allowing workers to visit the toilet when they need to. Our members also had concerns about the overall hygiene of the toilets at Rosyth, but their view is that the overall condition of the toilets that are in place has improved since we started asking the company questions.

Our members believe that the overall provision and number of toilet facilities at Mowi is unacceptable. They say that for male toilets there are four urinals and five cubicles in one part of the factory and in another part of the plant there is one urinal and one cubicle. We do not have exact figures for the number of employees in the factory, but if we assume there are approximately 1000 workers and assume that of those, half are male, then there are only 5 urinals and six cubicles for around 500 people. Moreover, for at least an hour a day the toilet with 4 urinals and five cubicles is closed for cleaning, leaving only one cubicle and one urinal available for every male employee on site during that time.

This is hugely below what is expected from any employer by law. **Table 1** below outlines the minimum number of toilets and washbasins required for workplaces under 100 workers. It goes up incrementally in bands of 25 or 50 for workplaces over 100 employees depending on gender of the users.

**Table 1** Number of facilities needed per number of people at work

1 Number of people at work	2 Number of cubicles	3 Number of washbasins
1 to 5	1	1
6 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5

[10] <https://www.hse.gov.uk/involvement/whatwillhsdo.htm>

**Table 2** Number of facilities needed per number of men at work

1 Number of men at work	2 Number of cubicles	3 Number of urinals
1 to 15	1	1
16 to 30	2	1
31 to 45	2	2
46 to 60	3	2
61 to 75	3	3
76 to 90	4	3
91 to 100	4	4

**Table 2** refers to men only toilets.

The HSE, Safety and Welfare Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 21 states:

*"For toilets only used by men, an additional cubicle for every 50 men (or fraction of 50) above 100 is sufficient, provided at least an equal number of additional urinals are provided."*<sup>11</sup>

Based on these figures from the HSE that Mowi could potentially be breaking the law. For example, if there are 500 men working at the Mowi plant at any one time, there should be another 7 urinals in place and 6 cubicles provided on site. Even in a scenario where there are only 300 men working on site at any given time, this would still mean that another 2 cubicles and 3 urinals would be required.

We had heard that the toilets, undoubtedly because of the sheer volume of users combined with inadequate provision, were in an unhygienic state a lot of the time. A quite worrying situation in a plant that is handling food. However, our members inform us that the cleaning of these toilets has improved and increased in regularity since we wrote to the company, and it is said that this occurs only some of the time now. Concerns were also expressed that the number of toilets provided does not also take account of the cultural norms and religious practices of a proportion of the workforce. In short, more toilets are needed to meet the demand and the complex needs of the whole workforce.

We also heard from workers that the current process for the workforce in different lines to go to the toilet is that for their first and last toilet breaks management are stopping whole lines and asking every person on the line to visit the toilet at the same time. Even if people (men and women) don't need to go at that moment they are expected to go, and if they do need to visit the toilet after these designated 'toilet breaks' then they must get toilet cover. However, we have heard from workers that to avoid visiting the toilet outside 'toilet times' many workers are drinking less water. The knock-on effect of not hydrating enough has

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[11] <https://www.hse.gov.uk/pubns/priced/l24.pdf>

the potential for longer term health impacts. The potential negative health consequence of this policy for our members is deeply concerning.

Compounding the concerns our members have is the time that people are expected to take when going to the toilet. Despite the lack of toilets and the number of people going at the one time, workers are told that they have to be back within 7 mins. This has been reduced from the original time of 15 mins. This process is, as one member put it, a 'lottery'. IE It is a huge challenge to ensure people are able to get access to, and then use, the toilet and be back within 7 mins. There are other concerns amongst the workforce that not being back within 7 mins could become a disciplinary issue for those who don't return in time.

For the middle toilet break workers also need to get toilet cover before being allowed to go to the toilet – IE they need to get someone to cover their work before they can go to the toilet. This rule impacts on workers with pre-existing conditions such as IBS. Indeed, is contrary to the law that says access to toilet breaks is part of their health and safety rights. It is also potentially a breach of the Equality Act and/or the Disability Act if people are being denied access to toilets, and they have a disability. Compounding the frustrations of workers is that if they can't get access to their own toilets if they are out of use or there is a long queue to get in, then they are prevented from using the toilets provided for management and administrative staff.

If the health and safety committee was working proactively and effectively then this question of toilets and the health and safety hazards from inadequate provision would have been raised before now. As would have the development of solutions. And, Mowi as a company would not potentially be in breach of the Workplace Health, Safety and Welfare Regulations<sup>12</sup> and possibly fall outside the law on this issue.

## Breaks

The BFAWU have very strong concerns that workers are being insufficient break time during the course of their shifts. Workers on 12 and half hour shifts are not being given the correct and legally required break times.

Mowi workers get a half hour break for their lunch/dinner break. The practical realities for workers in certain parts of the Rosyth processing plant are of concern to the BFAWU.

Some workers in parts of the plant that are at the opposite end to the canteen have to change out of PPE (at the lockers and not a designated changing room) walk to the canteen, eat, then walk back again and put their PPE back on all within 30 minutes. This process would take place as they are working a 12 hour shift.

We believe that those workers who are affected are not able to properly rest at break time and that recognition of the logistical issues facing some staff at break time should be recognised. Again, if an effective and functioning health and safety committee was in place the issue of breaks could/should be raised with a view to ensuring that breaks are sufficient to ensure workers get adequate time to change in an appropriate setting, walk to the canteen, rest, use the toilet and eat during their break and have time to walk back to their work station.

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[12] <https://www.hse.gov.uk/pubns/priced/l24.pdf>

## Canteen Facilities

What compounds the issues with break times is that staff at Mowi often get to the canteen to find they cannot get a seat due to insufficient seating available in the canteen area. As a member said it's a lottery when you get there, sometimes you get a seat and sometimes you don't.

When taking a break, workers are entitled to a staff canteen where they can get a seat to eat their food. What we have heard from staff is that the canteen provision of seating is in direct contravention to health and safety law because there are regularly not enough seats available for all the workers taking their break at the same time. As a result, workers find themselves having to stand during their break.

The HSE, Safety and Welfare Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 25 (b) (i) states that:

*"Rest areas or rooms should be equipped with an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time."*<sup>13</sup>

According to Mowi workers there are not enough seats and tables for all the workers who want to use them at any one time. If the health and safety committee was proactive, they could/should be ensuring that adequate canteen facilities, as set out by the HSE are in place.

## Cold Working Conditions

Workers informed us that they were working in very cold conditions. This is of course understandable given the nature of the product, fish, being handled in the plant and the need to keep it fresh. However, we have concerns that our members are persistently working in cold conditions, 9 degrees or lower, which in turn is, according to our members, resulting in many workers having constant colds.

HSE advises that companies should have a risk management plan in place to assess the impact that cold temperatures in the workplace have on their workforce. HSE also state that employers should *"review working habits and current practices and (where necessary) change these to control the risks."*<sup>14</sup> Our members are unaware of such a review ever having taken place.

The law states that *"Under the Management of Health and Safety at Work Regulations, employers must assess the risks to workers and put controls in place to protect them"*. It also says, *"You should consult with workers or their representatives on the best ways to cope with high or low temperatures."*<sup>15</sup> Our members are not aware of any risk assessment or consultation having taken place.

The HSE also provides advice to employers about how they can manage extreme temperatures in the workplace and make it more comfortable for workers experiencing low

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[14] <https://tinyurl.com/bda3v7e8>

[15] <https://www.hse.gov.uk/temperature/employer/the-law.htm>



temperatures. They say to employers that:

*"You can take these practical steps to keep people as comfortable as possible when working in the cold:*

- *Provide adequate workplace heating, such as portable heaters, to ensure work areas are warm enough when they are occupied*
- *Design processes that minimise exposure to cold areas and cold products*
- *Reduce draughts while still keeping adequate ventilation*
- *Provide insulating floor coverings or special footwear when workers have to stand for long periods on cold floors*
- *Provide appropriate protective clothing for cold environments*

*You can also change work systems:*

- *Limit exposure by introducing systems such as flexible working patterns or job rotation*
- *Provide enough breaks to allow workers to get hot drinks or warm up in heated areas"* <sup>16</sup>

Job rotation from cold temperatures is difficult at Mowi because large swathes of the plant are constantly cold. However, management could introduce more breaks. We have heard clearly from members that they are not providing more breaks – let alone more breaks to get hot drinks. As far as PPE is concerned, what the company provides is limited and inadequate and many workers are often having to provide their own, additional, warm clothing to protect them from the cold. Workers did report the company have recently ensured that wellington boots have been properly dried and ensured the practice of workers having to wear wet boots has been stopped. This is very welcome, and this improvement occurred because of workers voicing concerns and the management responding positively to this. Imagine the overall benefit if there was a union inside Rosyth proactively addressing health and safety.

## Manual Handling, Heavy Lifting and Repetitive Strain Injuries

As part of this research, we submitted Freedom of Information (FOI) requests to the HSE in relation to any reports that Mowi had submitted to them, as they are obliged to do, by law. In response the HSE reported to us that there were 27 incidents/accident reported since 2019, with reports increasing in recent years. The HSE described these as *"injuries to workers which result in them being incapacitated for more than 7 consecutive days immediately following the day of the accident."*<sup>17</sup> We are also worried that 11 of all the reported injuries have occurred since April 2023, which seems to indicate a health and safety culture that is getting worse. We want to understand the nature of these injuries and why they are happening. We asked the company but they did not provide an answer.

The members we spoke to were concerned that they could be happening as a result of workers being expected to lift very heavy boxes and having to twist from one side to the next when standing stationary and repeatedly lifting heavy boxes and turning to another

[16] <https://www.hse.gov.uk/temperature/employer/managing.htm>

[17] <https://www.hse.gov.uk/temperature/employer/the-law.htm>

angle and dropping them off; straining their backs as a consequence of this type of repetitive heavy lifting and twisting. The HSE states that:

*“Manual handling injuries are part of a wider group of musculoskeletal disorders (MSDs). The term ‘musculoskeletal disorders’ includes injuries and conditions that can cause pain to the back, joints and limbs...Manual handling risks can be found across all kinds of workplaces – on farms and building sites, in factories, offices, warehouses, hospitals and while making deliveries. Heavy manual labour, repetitive handling, awkward postures and previous or existing injuries or conditions are all risk factors for developing MSDs.”<sup>18</sup>*

The HSE advises employers how they should assess, and reduce, the risks to their employees when it comes to manual handling. They describe how the:

*“Manual Handling Regulations set out a clear hierarchy of measures you must follow to prevent and manage the risks from hazardous manual handling:*

- avoid hazardous manual handling operations, ‘so far as reasonably practicable’;*
- assess the risk of injury to workers from any hazardous manual handling that can’t be avoided;*
- reduce the risk of injury to workers from hazardous manual handling to as low as reasonably practicable.”<sup>19</sup>*

They also say that employers should:

*“Consult and involve your workforce. Your workers and their representatives know first-hand what the risks in the workplace are and can often suggest practical solutions to control them.”<sup>20</sup>*

## Discretionary Sickness Absence Policy

We are worried that there is a culture of under-reporting with workers reluctant to report accidents and not being able to work. We believe that this due to a culture of presenteeism, which has been engendered because of the Mowi discretionary sickness absence policy that we consider to be unjust and potentially exploitative. The clue is the name of this policy - *discretionary*. Incredibly, whether workers get full sick pay is entirely dependent on the discretion of a manager. As one worker said to us, if you have challenged the manager on Tuesday and then become sick on the Friday then that same manager can decide if you are getting paid or not’.

We know that sick pay can be withdrawn from workers off sick. This also applies to any worker even if they are off sick as a result of an accident at work. We also know that workers off sick are excluding from the Christmas bonus scheme losing out on up to £250.

## Cuts to hands and PPE

In the early part of this research we heard from our members about workers repeatedly being cut from sharp pallet binding tape as they cut pallets open at lines. This was compounded by the fact that the strong gloves necessary to protect them were not always available.

[18] <https://www.hse.gov.uk/pubns/indg143.PDF>

[19] *ibid*

[20] *ibid*

However, the more regular availability of PPE has been addressed therefore it is important that recognition is given to the company for improving the availability of the necessary PPE to prevent cuts.

## Conclusion

The BFAWU wants to work with Mowi to help improve health and safety at the plant at Rosyth, and indeed across Scotland at all their salmon farms. The value of a trade union working proactively to improve health and safety has been illustrated by the company responding to some of the issues we have raised by making minor improvements.

However, we are concerned that many issues are still to be resolved and that the current health and safety committee is not proactively dealing with them. We would also question the contradictory nature of what Mowi proclaims in its annual reports and how it is behaving towards our members and all workers at Mowi. Writing words on a page about your support for human rights means little if the reality on the ground suggests you are controlling how long and/or when someone goes to the toilet.

What we have sought to do here is compile evidence from the workforce about their experiences working at Mowi in Rosyth and contrast that against health and safety regulations and the advice and guidance set out by the HSE.

We believe that the company is failing on health and safety governance by not holding open and transparent elections of representatives of employee safety to participate in their health and safety committee. Relying instead on 'volunteers' and approaching/selecting workers to fill posts.

In the absence of a fully autonomous health and safety committee we believe that it is not proactive enough in dealing with health and safety issues; such as those outlined in this short report.

Lack of toilets, toilet breaks, toilet cover policies, inadequate canteen facilities, lack of mitigation to help workers working in cold working temperatures for long periods of time, hazardous manual handling practices and injuries from repetitive work and an unfair sickness absence policy are some of the issues that we have heard from our members. Many of these issues could have been addressed if the health and safety committee was elected, properly trained, fully autonomous and working proactively towards achieving health and safety improvements.

Finally, it is worth saying again that if the company was to recognise and work with our trade union then the health and safety committee would be proactive and many, if not all, of these health and safety issues would have been fixed at source. Unionised workplaces are safer than non-unionised workplaces.

We have always said to Mowi that we as union want to engage constructively with them to help make improvements to the terms and conditions of workers at Mowi in Rosyth, which we believe will benefit the workforce and indeed the company as a whole. In that spirit we make these recommendations and hope that they will positively respond.

We are as always ready to speak to the company and work with them to improve health and safety at Rosyth.

## Recommendations

- In the absence of trade union recognition - communicate and consult with the workforce to ensure a proper and effective health and safety committee is elected
- Review the workings of the health and safety committee, how its members are appointed and how it consults the workforce
- The Health and Safety Executive should urgently and unannounced conduct a visit to Rosyth
- Urgently provide more toilets at Rosyth
- End the 7min toilet time and practice of 'toilet cover'
- Scrap the discretionary sickness absence policy
- Urgently assess the adequacy of break times for all parts of the workforce
- Provide more seating in the canteen
- Urgently risk assess cold temperature working practices at Rosyth and introduce additional breaks
- Urgently risk assess all hazardous manual handling practices at Rosyth
- Urgently assess the reasons why workers are suffering injuries in the Rosyth workplace that has seen reports submitted to the HSE
- Mowi should recognise the Bakers Food and Allied Workers Union

## Appendices – Letter to MOWI

{Delivered by email}

Dear Senior Management team

As a union with many members at your Rosyth factory the BFAWU have some serious questions to ask you, on their behalf, in relation to health and safety.

This letter follows up, and builds upon, the letter we sent to you previously, which disappointingly you have thus far failed to reply to.

With regards to this letter, we would appreciate a response by 28th February 2025 and want you to know that should you fail to respond to these questions by that point, we will not allow these issues to be ignored and will take further action.

We regard our attempts to engage you on these issues as a constructive intervention by our union to assist you to help improve the health and safety practices and working conditions at Mowi in Rosyth.

Our sole desire is to see working conditions and health and safety at Rosyth improved, benefiting the company as well as our members and the entire workforce.

For us to consider our current position and following consultation with our members can you please answer the following questions?

- Do you have a health and safety committee in place and if so, how the membership of the committee is appointed?
- Are members of the health and safety committee elected, or are they involved because management approached them and then appointed them?
- Have you Representatives of Employee Safety in place, if so when did the elections take place and when will they next take place?
- You have legal obligations to consult all workers on matters impacting on their health and safety how do you communicate and consult with the wider workforce on health and safety?
- How often does the Health and Safety Committee meet?
- How is the work of the committee, including minutes and decisions communicated to workers?
- What actions has the health and safety committee taken to improve health and safety in the plant?

We also have some questions about conditions at Rosyth.

- In relation to toilets can you please tell us what toilet provision you have in place for both men and women?
- Can you also tell us the number of wash hand basins you have in place in both men's and women's facilities?

- Can you confirm to us that you are always confident that there are sufficient toilets and washing facilities in place to ensure you are meeting legal standards?
- In other words, are there enough toilets in place to cover the numbers of workers on site at all times?
- Can you explain what procedures you have in place to ensure all workers, including those with pre-existing conditions, are able to access the toilets when they need to without fear or favour?
- Are you also able to confirm what changing facilities are in place for workers to take off dirty PPE before leaving the plant and/or when visiting the canteen?
- With regards to the canteen facilities, can you confirm that there is sufficient seating and tables to guarantee every worker a seat and table on site whenever any worker, at any time, during any break, can get a seat and table to have their lunch?
- Can you also confirm that no matter where someone is on site they have sufficient break time to get changed out of dirty PPE and get from their place of work, to changing facilities, and on to the canteen in time to ensure they have adequate time to eat their lunch/dinner?
- Do you regularly assess the risks for staff who work in cold temperatures?
- Have you put in place any mitigating measures to protect workers who work in cold temperatures?

For example, have you introduced any of the following practical steps to keep people as comfortable as possible, and as recommended by the Health and Safety Executive (HSE).

- Provide adequate workplace heating, such as portable heaters, to ensure work areas are warm enough when they are occupied
- Design processes that minimise exposure to cold areas and cold products
- Reduce draughts while still keeping adequate ventilation
- Provide insulating floor coverings or special footwear when workers have to stand for long periods on cold floors
- Provide appropriate protective clothing for cold environments
- Limit exposure by introducing systems such as flexible working patterns or job rotation
- Provide enough breaks to allow workers to get hot drinks or warm up in heated areas

Are you also able to confirm that you have put in place rigorous manual handling procedures as recommended by the HSE, and which protect workers?

For example, the HSE say:

- Manual Handling Regulations set out a clear hierarchy of measures you must follow to prevent and manage the risks from hazardous manual handling:
  - Avoid hazardous manual handling operations, 'so far as reasonably practicable';
  - Assess the risk of injury to workers from any hazardous manual handling that can't be avoided, reduce the risk of injury to workers from hazardous manual handling to as low as reasonably practicable.

The HSE also says that employers should:



- “Consult and involve your workforce. Your workers and their representatives know first-hand what the risks in the workplace are and can often suggest practical solutions to control them.”

To what extent you have adhered to these recommendations and consulted with your workforce in relation to manual handling?

On PPE can you confirm workers always have access to appropriate PPE, and if at all times you have heavy gloves always available to protect your workforce from cuts?

Finally, we are aware from the HSE that you have seen an increase in issues/incidents/accidents keeping people off work for more than 7 days.

Have you assessed whether these form part of a pattern? That this trend has been reported to the health and safety committee and that action has been taken to address any pattern of health and safety incidents that have emerged recently, or indeed historically?

As noted earlier we would appreciate a response to these very important and serious questions by 28th February

Yours Sincerely

Sarah Woolley {She/Her} General Secretary  
Bakers Food and Allied Workers Union  
Web: <http://www.BFAWU.org>  
Email: [Sarah.Woolley@bfawu.org](mailto:Sarah.Woolley@bfawu.org)

## Appendices – MOWI Response

Dear Ms Woolley

Thank you for your most recent letters.

Please be assured that we took note of the questions you raised and can confirm that, since then, we have completed briefings on those topics to almost 1,000 individuals working in Rosyth, to support them in feeling fully informed and reassured in relation to their health and safety at work.

We, like you, take the safety and wellbeing of our employees extremely seriously and we are pleased to hear that your members are asking questions and showing an active interest in safety initiatives. We have therefore also taken this opportunity to explain how they can find out more if they have further questions, and to highlight the many opportunities they have to participate in our improvement activities. We look forward to welcoming their involvement and input.

Our compliance and practices are under constant review, checked internally and through

regular independent external 3<sup>rd</sup> party audits. Still, should your members have concerns in future, we have reiterated that they should of course feel free to discuss their workplace with you.

We would respectfully request however that, should that be the case, you remind them that they also have a responsibility to themselves and their colleagues to report any specific concerns, as quickly as possible, through appropriate internal channels. If a risk is identified, we need to know about it if we are to take appropriate action in a timely manner, and any delay caused by failing to report it internally will increase the risk to people.

Posters are displayed around the site and on digital communication boards to remind everybody of the different channels available for asking questions or reporting concerns, and your members should feel free to use whichever channel feels most comfortable for them. These channels include options to report in-person or anonymously, and/or through our Whistleblowing Channel, which is managed independently by a 3<sup>rd</sup> party.

Of course, when concerns are raised anonymously, it becomes difficult to provide answers, updates or feedback to the individual(s) concerned. Please do reassure your members however that all matters raised are reviewed weekly by senior management, and monthly by the Health & Safety Committee, to check that any identified improvement actions have been successfully implemented.

