



# Seafarers' Bulletin

International Transport Workers' Federation

no. 24/2010



## NEW RIGHTS

What the Maritime Labour Convention means for you

## PIRACY

Not always a happy ending

# A helping hand for seafarers

## The ITF flag of convenience campaign

The ITF's activities in the maritime industry are spearheaded by the campaign by seafarers' and dockers' unions around the world against the transfer of ships to flags of convenience (FOCs) to evade national laws and conditions and trade unions.

The campaign has two sides: politically the ITF fights with governments and international bodies to ensure that there is a "genuine link" between the owner of a ship and the flag it flies; industrially ITF unions have fought to establish acceptable minimum wages and social standards on all FOC ships.

In effect, the unions seek to agree conditions which at least reach the standards laid down by the ITF Fair Practices Committee – the joint seafarer and docker body which sanctions the FOC campaign. In recent years, the ITF has negotiated an international collective agreement

with a large and growing group of ship operators within the International Bargaining Forum, which provides comparable standards but with more flexibility.

Seafarers who are hired to work on FOC ships are often given strict instructions not to make contact with the ITF. Some are made to sign contracts in which they promise not to do so. There are even some employers who will sign an ITF agreement and then defraud their crews by paying lower wages – a practice known as double book-keeping.

FOC seafarers who have problems with their pay and conditions, or any other grievance about the way they are being treated, can either get in touch with the ITF directly (see our addresses and numbers on page 21) or can contact one of our inspectors based in ports around the world (see map on centre pages and more details on the reverse of the map).



[www.itfseafarers.org](http://www.itfseafarers.org)

# ITF Seafarers' Bulletin

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Reuters/Susana Vera

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International Labour Organisation/M Crozet



## World fleet: flagging-out trend continues

The world merchant fleet of vessels of no less than 100 gross tonnes at 1 January 2009 stood at 99,741 ships totalling 830.7 million GT. Out of that number around 40 per cent were flag of convenience (FOC) vessels – whose owners or managers used flags other than their national registry.

Of the FOC vessels in the world fleet, 48 per cent are covered by an ITF-approved agreement.

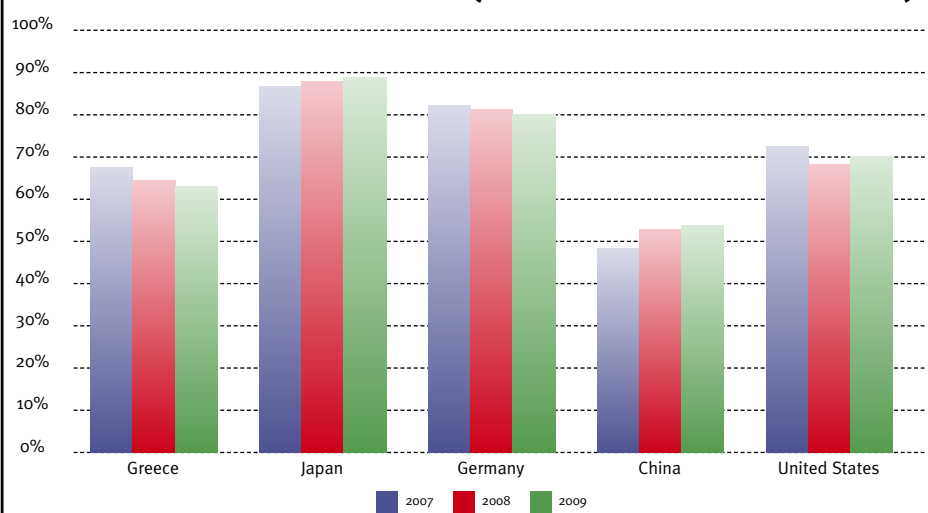
This flagging out trend is continuing as can be seen in the table showing the percentage of the fleets of the top five shipowning countries that have been flagged out. Japanese shipowners flag almost 90 per cent of vessels outside Japan.

The largest registry by vessel number is Panama; it has four times as many vessels as the next largest, Liberia.

### COMPARISON OF TOP FIVE SHIPOWNING COUNTRIES IN LAST THREE YEARS

Country rank 07/08/09	2007		2008		2009	
	Shipowner tonnage (m)	Flag fleet tonnage (m)	Shipowner tonnage (m)	Flag fleet tonnage (m)	Shipowner tonnage (m)	Flag fleet tonnage (m)
Japan 2/1/1	99.8	12.8	110.0	12.8	120.5	13.5
Greece 1/2/2	100.6	32.0	103.3	35.7	100.9	36.8
Germany 3/3/3	62.1	11.4	69.2	12.9	76.4	15.3
China 4/4/4	44.9	23.5	54.3	24.9	59.4	26.8
United States 5/5/5	39.1	11.1	35.4	11.3	37.3	11.3

### PERCENTAGE OF FLEET FLAGGED OUT (TOP FIVE SHIPOWNING COUNTRIES)



### TOP 20 FLAG FLEETS

Ranked by tonnage 1 January 2009	No. of ships (over 100gt)	Gross tonnage (millions)	GT (m) 1 January 2008	Average age (ships)
1 Panama*	8,065	183.5	168.2	18
2 Liberia*	2,306	82.4	76.6	12
3 Bahamas*	1,446	46.5	43.7	15
4 Marshall Islands*	1,265	42.6	36.0	9
5 Singapore	2,451	39.9	36.3	9
6 Hong Kong (China)	1,371	39.1	35.8	11
7 Greece	1,498	36.8	35.7	22
8 Malta*	1,532	31.6	27.8	15
9 China	3,916	26.8	24.9	23
10 Cyprus*	1,016	20.1	19.0	13
11 Germany	961	15.3	12.9	21
12 United Kingdom	1,676	15.3	13.4	20
13 Norway (NIS second register)	601	15.0	14.7	16
14 South Korea	3,001	14.1	13.1	25
15 Italy	1,588	13.6	13.0	23
16 Japan	6,316	13.6	12.8	16
17 United States	6,524	11.3	11.3	27
18 Denmark (DIS second register)	470	10.1	9.0	16
19 Bermuda* (United Kingdom)	153	9.6	9.2	13
20 Antigua and Barbuda*	1,195	9.5	8.6	10

Source: Lloyd's Register of Shipping. \* Denotes flag of convenience.

### TOP 20 SHIPOWNING COUNTRIES

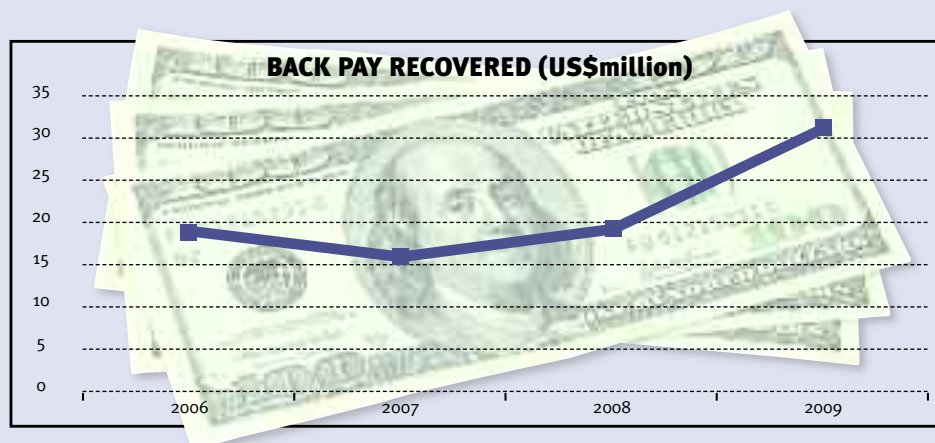
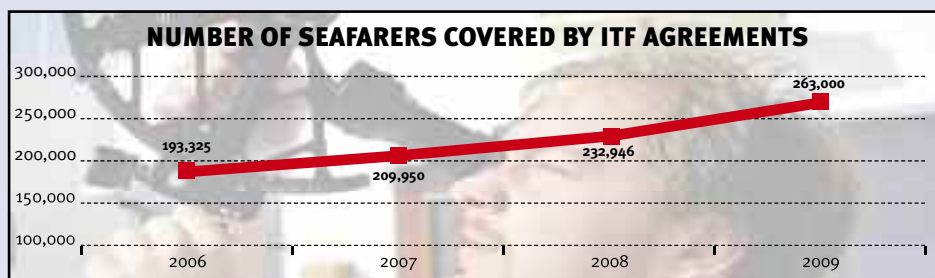
Ranked by tonnage 1 January 2009	No. of ships (over 1000gt)	Gross tonnage (millions)	Average age (ships)
1 Japan	3,720	120.6	9
2 Greece	3,064	101.0	16
3 Germany	3,522	76.5	9
4 China	3,499	59.4	20
5 United States	1,783	37.3	18
6 Norway	2,027	35.1	14
7 South Korea	1,235	29.2	16
8 United Kingdom	1,018	26.5	14
9 Denmark	917	24.2	11
10 Hong Kong (China)	680	21.2	12
11 Taiwan	631	19.5	14
12 Singapore	876	17.8	14
13 Italy	820	15.6	15
14 Russia	2,073	13.8	24
15 Canada	413	11.7	21
16 India	564	10.3	16
17 Turkey	1,163	10.0	18
18 Malaysia	435	9.1	15
19 Iran	211	8.3	15
20 Saudi Arabia	172	8.2	14

Source: Lloyd's Register of Shipping.



As well as securing back pay owed to crews, the ITF campaign also helps seafarers who have been stranded or abandoned. Pictured here, the crew of the Swift Spindrift thank the ITF for arranging their repatriation from Libya in October 2009. See page 12 for details.

# The ITF flag of convenience campaign



- ITF inspectors visited a total of 9,562 vessels during 2009.
- ITF agreements on pay and conditions were signed in 30 countries during 2009.
- The ITF flag of convenience campaign resulted in a total of US\$30.9 million being recovered in back wages and compensation for crews during 2009.
- The ITF has 129 inspectors in the ports of 45 countries around the world.
- During 2009, seafaring members of ITF-affiliated unions and crews on flag of convenience ships took industrial action in support of the ITF campaign in 22 countries on four continents.
- 83 per cent of the inspections carried out by the ITF were of flag of convenience vessels (see list of FOCs on page 26), with special attention to those vessels with a poor record.
- The number of seafarers covered by ITF agreements in 2009 was 263,000.

# International Transport Workers' Federation



The International Transport Workers' Federation (ITF) is an international trade union federation of transport trade unions, representing 4½ million transport workers in 148 countries. Founded in 1896, it is organised in eight industrial sections: seafarers, railways, road transport, civil aviation, ports, inland navigation, fisheries and tourism services. It represents transport workers at world level and promotes their interests through global campaigning and solidarity. The ITF is one of 10 Global Union Federations allied to the International Trade Union Confederation (ITUC) and part of the Global Unions group.



## ITF week of action Success in South East Asia

The ITF's South East Asia week of action, held in the last week of November 2009, raised awareness in the region of the need to tackle rogue shipowners and the exploitation of seafarers. A total of 73 vessels were inspected, seminars and a press conference were held in Thailand, national media attention was received in Malaysia and Indonesia, and solidarity actions were held in the Philippines and Singapore.

"Our coordinated flag of convenience campaign efforts in these regions have become much stronger and more strategic this year because we had clear targets and objectives," said Junko Honma, ITF Tokyo office staff, who coordinated this week of action.

A great example of hard work and coordination was to get the Korean Marine Transport Company (KMTC) to sign ITF-approved agreements with the Federation of Korean Seafarers' Unions (FKSU) for three of their FOC vessels. The KMTC-owned vessel *KMTC Shanghai* was inspected twice



Above: The ITF and friends fly the flag for action in South East Asia.

during the week, once in Singapore and then again in Indonesia. The ITF inspectorate team in Indonesia, with local union support, was able to exert pressure on the company to enter into talks.

“It’s a big step forward as we understand that this is the first time KMTC have signed ITF agreements with the FKSU,” said John Wood, ITF FOC campaign adviser, who led the successful negotiations with the company.

There were other ongoing talks initiated during the week of action that were expected to conclude with the signing of ITF-approved agreements. A team of Japanese ITF inspectors and the ITF-affiliated National Union of Seafarers of Peninsular Malaysia opened negotiations with Wilhelmsen Ship Management to sign national agreements for three Malaysian-flagged vessels. And the All-Japan Seamen’s Union was negotiating for ITF agreements for several Japanese-owned FOC vessels.

Hanafi Rustandi, president of the Indonesian Seafarers’ Union (KPI) and ITF Asia/Pacific regional chair, commented: “During this South East Asia week of action, the ITF message of ‘No Place to Hide’ for FOC vessels was reaffirmed. We do not tolerate any kind of exploitation of seafarers, and what makes our campaign

successful is that our efforts are cross-regional and cross-sectional. The seafarers in the regions are reassured that their safety and working conditions are of great importance to the ITF and they can contact the ITF for assistance in confidence anytime.”

The success of the week was helped by cooperation from all the ITF-affiliated unions and ITF inspectors in the South East Asia and East Asia regions.

**“We do not tolerate any kind of exploitation of seafarers, and what makes our campaign successful is that our efforts are cross-regional and cross-sectional.”**

”

## Egyptians lead strike action in dispute over back pay

By Aung Thu Ya, Seafarers’ Union of Burma

When the merchant vessel *Michail Arhangelos* arrived in Laem Chabang Port in Thailand on 24 June last year, its crew members had not been paid for four months. The ship’s operator, Sea Wind Maritime, blamed poor business. Fed up with the situation, the crew went on strike and called in the help of the ITF. Within a month, a settlement had been agreed and the crew received US\$59,200 in back pay.

The Seafarers’ Centre of Sriracha Seaport in Chonburi Province, Thailand, called the ITF representative in Bangkok, Aung Thu Ya. He was told that the International Seafarers’ Assistance Network (ISAN) had asked for someone to visit the *Michail Arhangelos* to check out the situation.

Aung Thu Ya spoke to the third engineer and learned about problems relating to wages, food, water and basic ship safety. On board there was an international crew of seafarers, including two Russians, one Indian, one Peruvian, six Bangladeshis, eight Egyptians, two Greeks and three Burmese.

The ITF representative called the ITF Tokyo office and the ship’s operator, based in Piraeus, Greece. The operator blamed the employees, especially the Egyptian seafarers. He said that the crew’s wages had not been paid because of lack of business but admitted that, even before these problems, he had not paid the crew.

By this time, the situation on the ship had become so bad that strike action had broken out, led by Egyptian members of the crew. The dispute was sparked off by the lack of a hatch cover for the loading bay.

After coordinated action between the ITF Maritime Operations Department, ITF Australian inspector Matt Purcell and the ITF Tokyo office, the operator softened his aggressive stance and started to deal with the real situation. He offered to settle the wages of seven of the Egyptian crew, getting them to sign off in Thailand. He also brought forward the date to make final payments for the remaining seafarers in Malaysia, the next port of call.

In the meantime, Aung Thu Ya had assembled the crew to discuss how to move

## ITF week of action Baltic ship chase highlights importance of dockers' help

By Dieter Benze, Maritime Division, ver.di, Germany

Last year the ITF went further than usual during its annual week of action in the Baltic.

Normally in September, seafarers' unions from all 10 Baltic countries take part in a variety of events up and down the Baltic coast. But this time, on discovering a ship, the *Deneb*, whose ITF agreement had been terminated, the union chased the vessel all the way to Hamburg. There, with the support of dockers who refused to load it, ITF representatives persuaded the *Deneb*'s owners to sign new agreements. It also reminded the owners that the *Deneb* sailed under the Antiguan flag, and ships under flags of convenience (FOCs) are only allowed to operate in the Baltic if they have ITF collective wage agreements.

This is how the story unfolded. On the second day of action, ITF colleagues on the

“  
**When the loading of the ship was suspended, the owners changed their minds and signed an agreement. They also undertook to conclude ITF agreements for two further vessels.**  
”

lock at Kiel-Holtenau in Germany spotted the *Deneb*. It transpired that the ship's German owners had ripped up the ITF collective wage agreement for the vessel. The next morning an intrepid ITF action unit, based in Lübeck, went to Hamburg to investigate conditions on board.

They managed to reach the *Deneb* shortly



ITF affiliate ver.di gets involved in the Baltic week of action.

before it got under way. The Hamburg dockworkers had been informed of the ITF's visit. Out of solidarity with the seafarers and in their own interests, they reject social dumping – using workers from a country with weak or poorly enforced labour standards and not adhering to European standards. Following the call from their union, the dockworkers suspended loading of the vessel at the terminal even though only eight crates remained to be taken on board.

The owners, however, did not give in and tried to carry on as before, without renewing the ITF agreement. They let the ITF unit know that the crates would remain where they were, and the *Deneb* would move to Burchard Quay. It was only when the loading of the ship was suspended there as well that the owners changed their minds and signed

a follow-on agreement, backdated to June 2009. They also undertook to conclude ITF agreements for two further vessels.

The aim of the week of action is for the unions to gain a broad but detailed view of the living and working conditions of workers on board ship and in port and to further the work of the FOC campaign. ITF inspectors in all 10 Baltic states monitor ships sailing under FOCs all year round. However, they can only ever pick out a number of individual ships. The advantage of the week of action is that the ITF can visit almost all the ships in the Baltic ports, wherever they happen to be.

It is important and helpful to the ITF campaign to hold such a week of action every year. This year's slogan was “United We Stand”, and the success with the *Deneb* is just one proof of the ITF's ability to put unity into action.



matters forward, while keeping everyone safe and sound – a concern, because the operator had made threats against the crew. The ITF representative urged the crew to be “united, disciplined and peaceful in every action they should take”.

The seafarers’ contract of employment stipulated there should be no union involvement or any strike action by workers. But the extent to which the crew were being exploited meant that they decided to risk a strike anyway. With poor working conditions, no regular salary payments and insufficient food and water, they had nothing to lose.

Aung Thu Ya tried to convince the crew that the operator would keep his promises. But nearly all of them had lost faith. Eventually an agreement was reached. The crew would stop their strike as soon as the operator agreed to pay their outstanding wages in full and arrange for their flights back home.

After further negotiations the operator sent a representative to the ship who came on board on 20 July 2009. Aung Thu Ya talked to the crew again and gave the representative their collective decisions. He said he would pay the full wages and tickets home only for seven Egyptians. Aung Thu Ya protested that this constituted unfair treatment for the other crew members. After bargaining for a while, the operator’s representative agreed to sign a contract with the Bangladeshi crew, saying he would pay their wages and that they could sign off in Malaysia.

To their satisfaction, the Egyptian seafarers



**This victory offers some hope for Chinese seafarers who often have to work without protection and in poor conditions.**



got all their wages, amounting to US\$36,500, and e-tickets for their passage home. They left the following day. The Bangladeshi and Burmese seafarers also accepted the terms offered and received back pay of US\$22,700, agreeing to the Malaysia sign off. The Burmese chief officer told Aung Thu Ya that when the ship arrived in port and the cargo was unloaded, all these agreements were honoured, leaving the men to sign off before the ship sailed on to Somalia.

One of the *Michail Arhangelos* crew wrote to Aung Thu Ya, thanking the ITF for its work. Aung Thu Ya said: “I’m pleased that their story ended peacefully and I can’t help but admire their collective effort to fight for their rights. But to change the situation in the future, I hope that they join their respective trade unions.”

## Bangladeshi seafarers win landmark case in Chinese port

*By Dongli Hur, ITF Maritime Operations Department, London*

Ting Kam-Yuen, the head of the ITF flag of convenience office in Hong Kong, has settled a complicated dispute between seafarers on the *Saikat Wind* and its Bangladeshi owners. He has also recovered a total of US\$164,893 in wages. The vessel, sailing under the flag of Togo, was manned by a crew of 13 seafarers from Bangladesh. Before the ITF became involved, the crew had not been paid for many months. Some of them had been without wages for as long as 14 months.

The *Saikat Wind* was anchored outside the small Chinese port of BeiHai. When the crew made representations to the local court about their conditions, the court refused to deal with the case or arrest the ship without any down-payment.

The local port state control simply stated that this was an employment dispute and would have nothing to do with it. Because the owner continued to supply basic provisions, the crew could not send out an SOS. To make matters worse, the owner in Bangladesh launched court proceedings against the crew members for disobeying orders. The amount claimed by the owner matched precisely the wages owed to the crew.

Kam-Yuen demonstrated his excellent

negotiating skills and extensive experience in dealing with seafarers’ employment disputes. Not only did he manage to get a local Chinese lawyer to work for the crew on a contingency basis, but he also managed to persuade the BeiHai court to waive the down-payment requirement, leading to the ship’s arrest.

This victory offers some hope for Chinese seafarers who often have to work without protection and in poor conditions. It represents a huge success and an important breakthrough for seafarers around the world.

## ITF steps in as crew faces starvation in Korea

*By Hye Kyung Kim, ITF Coordinator, Korea*

In April 2009, the ITF received a report about a vessel at Pyungtaek Port in South Korea. One of its nine crew members called, saying there were no provisions or fresh water. The crew had not been paid and had lost contact with the owner, Oriental Development Company in Dalian, China.

The ship had been arrested by a third party in March after its cargo had been damaged.

The ITF tried to contact the owner without success. The Chinese embassy in Seoul refused to help, saying that the Koreans needed to deal with any problems related to unpaid wages, supply of provisions and fresh water as they had arrested the ship.

The inspector visited the crew to start legal proceedings for unpaid wages and repatriation. Meanwhile, ITF Coordinator Hye Kyung Kim spoke with ITF maritime operations and the Chinese embassy to try to resolve the situation.

When the owner finally agreed to meet the ITF, they still refused to settle the case. Their main concern was the ship, not the crew. They refused to supply food or fresh water, or even to meet the crew.

The crew told the ITF they were starving, so food, provisions and fresh water to the value of US\$250 were provided by the union. The shipowner visited Korea several times, but took no action and offered no assistance. So the inspectorate decided to repatriate the seafarers, rather than wait for the legal proceedings to be concluded.

Therefore, in discussion with the crew and



# Flag of convenience campaign



Dong Sik Bang, president of the Federation of Korean Seafarers' Unions (FKSU), the ITF decided to bear the repatriation costs of the nine crew members. Seven of the nine decided to go home, while the master and wiper stayed on board.

It will not be easy to get the crew's unpaid wages. The ITF is now awaiting the outcome of the legal action.

## ITF wins wages for seafarers stranded in Britain

Fourteen crew members of a Maltese-registered containership, *Believer*, have won a settlement of €65,000 (US\$97,740). British ITF inspector Tommy Molloy negotiated the deal after the owner, Skips Christine, was made insolvent when its bank terminated its credit line. Four men left the vessel without receiving any payment but 10 others – nine Poles and one Russian – remained on board in an effort to recover their outstanding wages.

After intensive talks, Liverpool-based Molloy reached an agreement that all the crew should be paid for the month of September. He also secured two months' basic wages in compensation for early termination of the crew's contracts. This is in line with the total crew cost (TCC) ITF agreement covering the vessel.

Molloy also negotiated a short-term contract at agreed rates for the seafarers to sail the *Believer* to Gdansk under new operators, Vestland Marine, a Polish-based firm.

The seafarers received the money despite tactics to delay payment. At one stage Molloy arrived on board to find a bunker barge alongside. The vessel was about to discharge



**The crew could not understand why the charterer and the port could be paid prior to departure, while they had to wait until the ship arrived in Norway.**



bunkers that had previously been placed on board by the charterer. The master told him he had received "instructions" from the bank's broker to discharge them in order to avoid arrest of the vessel.

Molloy called a meeting with the crew, who decided they did not have to follow the "instructions" of someone who did not employ them. They did not want to discharge the bunkers without knowing who was going to pay their wages. So the barge was sent away. When a lawyer acting for the charterer called Molloy to ask why the crew had gone on strike, he pointed out that the crew could not be on strike if they did not have an employer.

On another occasion the broker tried to convince the crew to sail to Norway where they would be paid on arrival. The crew, however, could not understand why the charterer and the port could be paid prior to departure, while they had to wait until the ship arrived in Norway. They took the advice of the ITF and declined the broker's offer.

Fortunately a new buyer was found for the

vessel fairly quickly and the crew did not have to resort to judicial arrest to recover the wages they were owed. Nor did they have to pay any legal costs. It is important that a crew in this situation involves the ITF at an early stage in order to protect their interests.

The ITF unions in Norway and Poland also played a part in ensuring matters ended satisfactorily for all the seafarers involved.

## Ship held for 20 days in Germany for non-payment of wages

The ITF has recouped over €39,000 (US\$56,000) for a crew who was owed nearly four months in back wages. It has also addressed appalling working conditions.

Ukrainian seafarers called on the ITF for help when their ship, the *Kramatorsk*, was in Flushing port in the Netherlands. The ITF went on board with two inspectors from port state control (PSC). As well as unpaid wages, they discovered a lack of proper working equipment and mattresses in a poor condition.

The company said it was unable to arrange cash payments in a short space of time. The crew agreed to sail the vessel to the next port of call, Bremen, where the outstanding money would be paid to crew members who were signing off.

Bremen is overseen by the ITF Coordinator in the Netherlands and Germany, Ruud Touwen. When the Ukrainian-flagged *Kramatorsk* arrived in port, the PSC was informed and it carried out a further inspection. The ITF Coordinator spoke to the PSC inspectors about the outstanding wages and they agreed these should be included in a list of the vessel's deficiencies. In all, 22 were found and these resulted in the vessel being detained in port for some 20 days.

As well as the non-payment of wages, the crew had problems with the attitude and behaviour of the ship's master. For example, there were serious safety concerns about the liferafts, which could not be lowered properly. The master paid little attention to this situation and when questioned said that, in his opinion, there was no problem. He was generally uncooperative, arguing that the crew had signed contracts stating they would not receive wages in the first two months of work and therefore had no right to complain.

In the end, all the deficiencies were



*Crew from the Believer, who won the pay settlement with ITF help.*

rectified and the vessel left port. But not before wages totalling US\$56,000 were paid to the crew.

## Turkish seafarers win back wages in Panama

Seventeen Turkish seafarers who were repatriated in April last year have won their claim for back wages following several months of legal wrangling.

The workers on board the *Mevlut Dov*, a Panamanian-flagged vessel, were abandoned in Port Cristóbal in Panama after it suffered a mechanical breakdown on route from Rio de Janeiro in Brazil to the Peruvian port of Callao. The vessel was anchored in November 2008. The Turkish seafarers were subsequently left on board for months in poorly ventilated cabins, surviving on food provided by the ITF inspectorate in Panama and ITF-affiliated Panamanian unions; they also helped to cover the costs of the seafarers' repatriation.

Following the intervention of ITF inspector Luis Fruto and lawyer Olmedo Arrocha, the matter was taken to the second maritime court of Panama, where it was agreed that the vessel would be sold and the seafarers' wages paid from the proceeds.

In November 2009, approximately US\$160,000 in wage arrears was finally sent to Turkey.

Luis Fruto said: "The new Panamanian government of president Ricardo Martinelli and the current administration of the Panama Maritime Authority wanted to cooperate to ensure that Panamanian-flagged ships respect the labour rights of seafarers. In addition, the authority, under directions from the port and seafarers, requested that the seafarers' welfare committee and the ITF inspectorate be allowed free entry into Panama's ports."

## Russian crew battles for the money owed by owner

Five stranded Russian crew members were paid wages they were owed of €35,000 (US\$50,390), thanks to the efforts of Netherlands ITF Coordinator Ruud Touwen.



*Crew members on board the Mevlut Dov in Port Cristóbal, Panama. The local ITF inspector arranged deliveries of food and water.*

The men had been abandoned on their ship, the *Mike*, in the port of Duisburg in Germany by the vessel's owners. At that point they were owed €19,000 (US\$27,350).

Touwen made a proposal to the men on behalf of their union: the owners were willing to pay 40 per cent of the claim as a cash advance plus a ticket to their home destination. The crew was advised to sail the vessel to the Netherlands where the union could assist them in arresting the vessel and in sending it to public auction in Rotterdam.

The crew was told this could all be organised the following week. But the seafarers were worried about delaying payment any further and decided that they wanted to receive all their money upfront. They engaged their own lawyer, but failed to get an agreement for immediate payment.

The ITF got involved again. Touwen started to negotiate once more with the owners and managers of the vessel. By this time the claim had grown to €42,000 (US\$60,430), including lawyers' fees.

Long discussions took place and finally a settlement was reached, but out of the €35,000 they received the crew had to pay for their own tickets home, as well as the lawyers' fees that had been incurred. This time the Russian crew accepted the settlement and all went home.

## ITF helps repatriate shipwrecked crew in India

Following intervention by the ITF, 26 seafarers rescued from a cargo ship that sank off Orissa, India, were repatriated after they were

stranded for two months while the incident was investigated.

The crew of the Mongolian-owned *Black Rose* – 17 Bangladeshis, three Russians and six Ukrainians – were left in Paradip, Orissa, after their vessel sank on 9 September 2009. The Ukrainian chief engineer died in the incident. The ITF intervened to aid the crew after they were stranded awaiting official clearance from the shipping ministry.

The Indian Maritime Trade Union helped the crew to recover back pay owed.

Captain Sergei Kamarov said: "We are happy to get home. We thank the ITF and immigration department for their help." The crew were repatriated on 10 November 2009.

## ITF wins case for seafarers in Ukraine without a contract

In March 2009, ITF representatives reached an agreement with the Turkish owner/managers of the *Lotus*. The agreement ensured the payment of outstanding wages and a ticket home for one of the seafarers, even though none of the men on board had written contracts of any kind.

Seafarers should always press for ITF-approved collective bargaining agreements. But sadly, for Eastern European, Syrian and some Asian seafarers, it is common not to have a contract. Because there was nothing in writing, the ITF was in a weak position when talks started. However, the crew remained steadfast throughout the

# Flag of convenience campaign



negotiations.

The ITF inspector in Ukraine, Nataliya Yefrimenko, first received a call from the crew of the *Lotus*, a vessel chartered in Ukraine, on 22 March. As the *Lotus* would not leave port until the next day, there was time to have a look at its condition and begin negotiations with the company.

The ship had been detained because of some deficiencies found on board. Six out of 11 crew members said they would refuse to work if the company kept failing to fulfil its obligations towards them. The wage level that had been verbally agreed with the owner prior to joining the vessel was far less than the International Labour Organisation (ILO) recommended minimum.

Despite this, when the first feedback from the Turkish owners/managers was received, the wage payments suggested were even smaller. Six seafarers insisted on being replaced and repatriated because the company had breached their employment agreement, having failed to pay their wages between December 2008 and February 2009.

The Ukrainian charterers became involved in the discussions and this proved productive. Only five days after the crew had made its initial call, an agreement between the seafarers and the company was reached. It undertook to arrange the final payment and repatriation of one seafarer from Ukraine. It also agreed to pay, in cash, the wages owed to the other five seafarers for work done between December 2008 and March 2009. This would be based on the ILO's recommended wage scale. A further five

seafarers agreed to remain on board and deliver the vessel to Istanbul where they would be replaced by a Turkish crew.

The cost of repatriation of the six who complained was included in the sum agreed and paid in Ukraine. To avoid attempts by the company to claw back the money, almost all these funds were sent home to their families before the vessel embarked for Turkey.

Nataliya Yefrimenko said: "So the seafarers received more than they expected, the owners learned the lesson that the lack of a contract duly signed by both parties is not always in their favour and I hope the seafarers themselves learnt an important lesson from the situation."

## Repatriated after 13 months stranded in Tripoli

The 13-month ordeal of the crew of the *Swift Spindrift* came to an end in October 2009 when the ITF succeeded in organising their repatriation to their home in Burma. They had been stranded off the Libyan port of Tripoli for more than a year.

Success in persuading the owners to fund the repatriation was achieved through global action involving unions and ITF representatives in six countries.

For a full year, the crew believed the assurances of their captain. But eventually they decided to contact the ITF for help.

By then they were desperate, especially after their wages were stopped during the last six months. Water and basic provisions were running low and for much of the time the vessel had not been allowed to berth, leaving the crew with only limited contact with the outside world.

Their plight was the result of a dispute between various charter parties.

As a flag of convenience ship, the owners and managers of the *Swift Spindrift* were difficult to trace, although they appeared to have connections with Grace Lines operating out of New York and Delhi.

Coordinated by staff at the ITF's London head office, members of the ITF worldwide team swung into action, with US-based ITF Coordinator Rick Esopa approaching Grace Lines in New York and Mahendra Sharma, of the ITF Delhi Office, contacting the company's representatives in India.

But the key to the success of the ITF effort was to get representatives into Tripoli to talk

with the local maritime authorities and unions.

The ITF-affiliated Spanish union ELA agreed to allow Bilbao-based ITF inspector Mohamed Arrachedi to travel to Libya. Additionally, Bilal Malkawi, of the ITF regional office in Amman in Jordan, made contact with leaders of the Arab Federation of Transport and Communication Workers, who provided important support.

Arrachedi spent 22 days in Tripoli, negotiating with and between local lawyers, the ship's agents and Libyan maritime authorities to enable the crew to be repatriated. He even obtained approval for the ship to be berthed for the first time in months.

Meanwhile, the ITF London secretariat brokered arrangements with lawyers in New York and London representing the *Swift Spindrift*'s owners to pay repatriation costs.

## Striking crew receives help from African affiliate

The determination of Turkish crew members on the *Bereket* to secure justice paid off in October 2009 when they received US\$46,540 in back pay and were repatriated. Their success was also made possible by cooperation between the ITF inspector in Turkey and the ITF-affiliated Tanzania Seamen's Union (TSU).

Anchored off Zanzibar, the 14 seafarers decided to go on strike after the shipowner, Uzaklar Denizcilik Sanayi Ve Ticaret, refused to pay them the three months of wages owed to them following attempts by Turkish inspector Muzafer Civelek to open negotiations on the matter.

The company had earlier threatened to dismiss the crew for contacting the ITF African Regional Office in Kenya.

The crew also contacted Abdulrahman Chande of the TSU. He immediately tipped off the local port state control authorities. An inspection was carried out and the vessel was arrested on the grounds that it was "undermanned due to her crew's unwillingness to continue their employment because of a wages dispute".

The inspectors added that the ship would not be allowed to sail until the dispute was resolved and the crew had received their wages.

With the *Bereket* unable to move, the owners finally agreed to talk to Civelek and the back pay settlement and repatriation were agreed.

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**The seafarers received more than they expected and the owners learned the lesson that the lack of a contract duly signed by both parties is not always in their favour.**

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*Somali pirates captured by French forces in the Gulf of Aden are paraded at the northern port town of Bosasso in November 2009. The French navy handed over 12 pirates captured in the Indian Ocean to the authorities in the semi-autonomous northern Somali region of Puntland.*

# Seafarers pay the price

Who is looking after the seafarers affected by piracy?  
**BRENDA KIRSCH** examines the issues.



Reuters/Susana Vera

A crew member (right) of the Spanish tuna fishing boat Alakrana is embraced by a relative on arrival at Victoria on the Seychelles island of Mahé in November 2009. Somali pirates freed the Alakrana, which was hijacked in October, and said a US\$3.5 million ransom had been paid for the vessel and its crew.

**P**iracy is nothing new, and seafarers have been vulnerable to such attacks throughout the history of seafaring. But there have been dangerous developments in the last few years, primarily in the waters of the Gulf of Aden, the horn of Africa and even out into the Indian Ocean.

With the destabilisation of Somalia as a viable law-abiding regime, piracy has flourished as a major industry in the semi-autonomous Puntland region. Communities that live in dire poverty, that have seen their traditional fishing industries go under to overfishing, that are not governed by any law or criminal justice system, and where there is ready access to weaponry have given birth to a lucrative trade in piracy.

“The piracy off Somalia is a different problem from that we’ve seen in the Malacca Straits and South China Sea,” explains John Bainbridge, assistant secretary of the ITF seafarers’ section.

“Here we have a business – one that is making money out of taking hostages, and that has upped the stakes.”

### **The growth of piracy**

The problem of piracy escalated in 2008, when almost 100 ships and 500 hostages were taken by Somali pirates. Despite international concern, and the presence of a multinational naval task force to patrol the Gulf of Aden, the number of attacks in the region continued to rise during 2009. There has also been growing evidence that the pirates have been prepared to venture even further, including into the Red Sea and out towards the Seychelles and down the east coast of Africa.

By September 2009, the International Maritime Bureau (IMB) Piracy Reporting Centre (PRC) – the body that monitors piracy worldwide – reported that the figures for the year so far showed that piracy attacks had already exceeded the total for 2008. Somali pirates had made 148 attacks – 97 in the Gulf of Aden, 47 off the coast of Somalia and four off Oman. Although many attacks were thwarted by evasive action or intervention by the coalition task force, Somali pirates still managed to hijack 32 ships and kidnap 532 hostages. Most worryingly, four seafarers were killed as a result of incidents.

Somali pirates are prepared to take the risks because the rewards are so high. According to Alex Kemp from Group 4 Security subsidiary NYA International, reported in *Lloyd’s List*, ransom demands increased to US\$5-\$15 million in 2009, with average settlements of an estimated US\$1.5 to \$1.7 million. The length of hijacks averaged 50-80 days or more in 2009.

Pirate attacks have also continued in other waters of the world – with indications that the global recession might have prompted a rise in

this opportunist crime. Attacks have continued in the South China Sea and Malaysian waters. The last two years have also seen attacks on shipping and personnel in the Niger Delta for political reasons, with insurgents seeking more benefits from Nigeria's lucrative oil industry.

After a wave of attacks and kidnappings, it now looks as if the problems in the Niger Delta are receding, following the government's release of the leader of the Movement for the Emancipation of the Niger Delta (MEND) in July 2009.

## Protecting seafarers

The media spotlight has focused on the pirates. There has been less attention to the plight of the seafarers who suffer the most as victims of pirate and criminal attacks.

"Seafarers are not an expendable resource," says John Bainbridge. If it takes a ransom payment to secure their freedom, then that is necessary. "The most important objective is the safety of the seafarer."

Where possible, the ITF and the unions involved rely on professional negotiators to deal with the captor, while they deal with the families of members held hostage.

But winning their release can be just the start of continuing problems for seafarers who have been victims of piracy. Post-traumatic stress disorder (PTSD) can be an ongoing debilitating problem, affecting their health, employment and relationships.

John Bainbridge says: "Because of the

casualised supply of labour to ships, it can be extremely difficult when they are released, as they get no welfare back up or support. We don't get information from the flag states about incidents, and we can't track the guys down and give them support. This is a big problem, as the duty of care is not fully met."

It seems that piracy will be a perennial problem, but the specific situation in Somalia could be tackled in the long-term through international measures to bring stability to that country.

## Solving the problem

In the short-term, however, seafarers will need to be on their guard when sailing through the dangerous waters off Somalia. There are some who have called for armed personnel to be on board ships sailing in these waters. This is a move that the ITF rejects totally. "That would escalate the situation and pose even greater risks to seafarers," says John Bainbridge.

The ITF is aware that the vessels most vulnerable to piracy – because they are slow, have a low freeboard and low manning – are most likely to be registered with flags of convenience. "That's why we are trying to get them signed up to ITF or union agreements," says John Bainbridge. "Otherwise there's nobody here to support the seafarers."

● *Brenda Kirsch is a London-based freelance journalist.*

“**Armed personnel on board ships would escalate the situation and pose even greater risks to seafarers.**”

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## The ITF position on piracy

The ITF Seafarers' Section, having assessed the growing problem of piracy in the Gulf of Aden, off the coast of Somalia and now in the wider Indian Ocean has determined that, save in exceptional circumstances, ships should not transit the area. The risk of attack is now so great that putting seafarers in harm's way amounts to a breach of the shipowner's duty of care.

The exceptional circumstances relate to:

- having close active protection from naval forces or being in a convoy which has an adequate naval escort; or
- the ship can be classified as low risk and has a proven level of protection measures in place.

The ITF also considers that

seafarers should suffer no detriment from refusing to take ships into these high-risk areas. Seafarers have a right to refuse to put themselves in harm's way and the right to be relieved before the ship enters a high-risk area. The ITF calls on flag states to uphold seafarers' rights in this regard.

The ITF reaffirmed the position that seafarers should not be armed.

The seafarers call on the wider shipping industry to support this position and to take all measures to ensure the protection of seafarers by not putting them in harm's way.

*Source: The above statement was agreed by the ITF Seafarers' Section in London, 2009.*



## Suffering from silence: the Danica White hostages

*Top: Crew members of the Spanish fishing boat Alakrana wave after Somali pirates freed them in November 2009.*

When three Danish seafarers were captured by Somali pirates in June 2007 they thought they would never see their home again. For the seafarers, who were members of the five crew on the Danish-owned *Danica White*, being held hostage by hostile pirates was stressful enough, but they suffered as much stress again from the deafening silence with which their plight appeared to be treated in their homeland.

Eventually freed after 89 days, two of the seafarers have since paid the price of their capture with their livelihoods – they have not worked at sea since, such was the effect of the stress they suffered.

Henrik Berlau, secretary of the Danish union 3F's maritime affairs section, explains that the union is still seeking compensation for the hostages. While they received some minor industrial accident compensation from the general insurance fund, the union has been pursuing the company for its liability in the affair, and the negligence of the master in allowing the piracy to take place. The union is currently engaged in an appeal on this issue.

"The master did not take any precautions, there was no dedicated lookout, and he was not following International Maritime Organisation

recommendations on avoiding pirate attack," says Berlau.

The *Danica White* was a slow-going ship only 200 miles off the Somali coast, he explains. "We believe the master's lack of interest in safeguarding the ship and crew was gross negligence, and made them an easy target for pirates."

He is especially angry with the shipowner: "The company had such a bad reputation that the Danish Maritime Authority withdrew its document of compliance one month before the incident." He says the owner was: "a bad company with a bad reputation and a record of no respect for seafarers".

Berlau also points to a failure in the marine insurance industry. Not only does ship insurance not cover the crew – only the ship and its cargo – but the industry prefers to abide by the maritime law which gives six months before a ship is considered a total loss. "That gives them time to negotiate for a cheaper deal with the pirates before they have to pay out insurance."

He also blames the Danish government for taking pride in its stance of not negotiating with "terrorists or pirates" – "that's an intolerable situation for seafarers" – as well as the police for not keeping the families informed.

"The crew felt that they had been forgotten, and couldn't

understand why their plight had not been in the media," he says. "The foreign ministry asked us to keep a low profile, but when the master leaked details of the ransom demand, we went public."

3F offered to pay all the money to get the crew out, but a ransom was eventually settled and the crew were released after three months.

Berlau is clear that the attitudes of the shipping industry and marine insurance need to change so that seafarers are not held hostage for up to six months, and that they get compensation for the ordeal.

As for preventing attacks, he stresses the need for seafarers to follow the advice of the International Maritime Organisation and the International Maritime Bureau, and that shipowners should invest in adequate deterrents, such as electric fences.

"The first 35 to 40 minutes of an attack are critical, as that's the time to alert the outside world, seek protection and call the naval task force."

He also notes that although his members suffered a terrible experience, they were flown home on a private jet and were treated by counsellors. "That was in Denmark – what about the Filipinos who have been victims of piracy? They are in a much worse situation."

**“The first 35 to 40 minutes of an attack are critical, as that's the time to alert the outside world, seek protection and call the naval task force.”**

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The ITF regularly reminds seafarers not to handle cargo. We asked two dockers why it matters so much.

*Above: Steve Biggs (left): ports are dangerous places and each uses a different method of cargo handling.*

# Speaking out

**Steve Biggs, docker, DP World Southampton, Unite (UK)**

“ I have been doing this job for over 15 years now, following in the footsteps of my father and grandfather who were both dockers. Like many other ports, Southampton has a great family tradition of sons, fathers and brothers working alongside each other.

When I first started in the docks I was an apprentice and was trained in all aspects of dock work: padding, lashing, forklift driving, tug driving, straddle carrier driving and

crane driving. After my three years training I became part of the core workforce with an established shift pattern and terms and conditions.

In Southampton the dockers have a roster, which determines which job they do for each shift. The entire core workforce is multi-skilled. We also receive health and safety training from day one and are not allowed to carry out any task until we have completed the training courses and been passed out by our team of instructors.



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**It is very important that seafarers don't do dockers' work, as it would lead to job losses, redundancies and an increase in accidents.**



It is very important that seafarers don't do dockers' work, as it would lead to job losses, redundancies and an increase in accidents. Ports are extremely dangerous places to work and each port uses a different method of cargo handling.

It is essential that all dockworkers are aware of the safe system of work that their port adopts, so that they can carry out their duties using knowledge and expertise from their training and experience. It would be a disaster for dockers in our port if seafarers were to do our work. It could lead to casualisation and an end to the traditional work we do.”

**John Florio, wharfie, Patrick, MUA, Melbourne Branch**

“ I've been working here at the container terminal part time permanent (PGE) for five years. I hold a crane ticket, foreman's ticket and straddle ticket. I'm also one of the two PGE safety representatives. We have to do a five-day, Worksafe government-approved delegate course to become a rep.

That's why it's important that dockworkers do dockworkers' work. It's our job. We're trained to do it.

We had a ship sail the other day without the lashing done – the *MSC Krittika*. That's dangerous to dockworkers, seafarers, the public who use the harbour and our environment. We had lashers on board ready to secure the last bay and they were instructed to get off the ship, that it was sailing.

At the end of the day, lives are at risk. If the ship gets a nice big jerk from the tug, boxes can come off. Boxes can fall into the water, onto the wharf or onto recreational boats in the harbour.

There are a lot of risks. You can end up with an environmental catastrophe, like when containers of ammonia nitrate came off the *Pacific Venturer* in March (2009) in heavy seas, putting a hole in the hull of the ship and spilling 30 tonnes of heavy oil 20 kilometres along our coastline.

It's bad enough lashing on the dock, let alone in the open ocean. The instability is incredible, lifting up three high bars when the ship is moving. Seafarers have got a tough job; let's not make it any tougher. Dockworkers want to do the work and we want to do it safely.”



Contact  
information  
and advice



Photos: Patrice Terraz



# Look carefully before you sign: ITF advice on your contract to work at sea

The best guarantee of proper conditions of employment at sea is only to sign a contract drawn up in accordance with an ITF-approved collective agreement. Failing that, here is a checklist to follow.

-  Don't start work on a ship without having a written contract.
-  Never sign a blank contract, or a contract that binds you to any terms and conditions that are not specified or that you are not familiar with.
-  Check if the contract you are signing refers to a Collective Bargaining Agreement (CBA). If so, make sure that you are fully aware of the terms of that CBA, and keep a copy of it along with your contract.
-  Make sure that the duration of the contract is clearly stated.
-  Don't sign a contract that allows for alterations to be made to the contractual period at the sole discretion of the shipowner. Any change to the agreed duration of the contract should be by mutual consent.
-  Always ensure that the contract clearly states the basic wages payable and make sure that the basic working hours are clearly defined (for example 40, 44 or 48 per week). The International Labour Organisation states that basic working hours should be a maximum of 48 per week (208 per month).
-  Make sure that the contract clearly stipulates how overtime will be paid and at what rate. There could be a flat hourly rate payable for all hours worked in excess of the basic. Or there may be a monthly fixed amount for a guaranteed number of overtime hours, in which case the rate for any hours worked beyond the guaranteed overtime should be clearly stated. The ILO states that all overtime hours should be paid at a minimum of 1.25 x the normal hourly rate.
-  Make sure that the contract clearly states how many days paid leave per month you will get. The ILO states that paid leave should not be less than 30 days per year (2.5 days per calendar month).
-  Make certain that the payments for basic wages, overtime and leave are clearly and separately itemised in the contract.
-  Never sign a contract that contains any clause stating that you are responsible for paying any portion of your joining or repatriation expenses.
-  Don't sign a contract that allows the shipowner to withhold or retain any portion of your wages during the period of the contract. You should be entitled to full payment of wages earned at the end of each calendar month.
-  Be aware that an individual employment contract will not always include details of additional benefits. Therefore, try to obtain confirmation (preferably in the form of a written agreement or contractual entitlement) of what compensation will be payable in the event of:
  - Sick leave or injury during the contractual period
  - Death (amount payable to the next of kin)
  - Loss of the vessel
  - Loss of personal effects resulting from the loss of the vessel
  - Premature termination of the contract.
-  Don't sign a contract that contains any clause that restricts your right to join, contact, consult with or be represented by a trade union of your choice.
-  Ensure that you are given and retain a copy of the contract you have signed.
-  Check that your contract states that you are entitled to the costs of your repatriation.
-  Check the conditions for terminating your contract, including how much notice the shipowner must give you to terminate your contract.
-  Remember... whatever the terms and conditions, any contract/agreement that you enter into voluntarily would, in most jurisdictions, be considered legally binding.

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**Contact one of our inspectors if you need help and you work on either a flag of convenience ship or on a foreign-flag ship not covered by a union agreement. If an inspector is not available, contact the Actions Team at ITF head office or your nearest ITF office (see left).**

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# Do you need help? If so, get in touch with us with this information

This is the information you will need to give us when you ask the ITF for help. To contact the ITF Actions Team, Maritime Operations Department, email: [mail@itf.org.uk](mailto:mail@itf.org.uk) or fax: +44 20 7940 9285 or +44 20 7357 7871 Here is a checklist of the information you will be asked to provide:

## Your details

- ➔ Your name (will be treated in confidence)
- ➔ Your contact number(s)
- ➔ Your position on board (for example, AB)
- ➔ Your nationality

- ➔ Type of cargo / quantity on board
- ➔ Name of shipowner / operator

## What is the problem?

- ➔ Describe the problem (giving as much detail as possible)
- ➔ How long have you been experiencing this problem?
- ➔ Are there others experiencing similar problems on board? (please give details)
- ➔ How long have you been on board this ship?
- ➔ What kind of help are you looking for? (for example, recovery of wages, repatriation etc)

## Details of the ship

- ➔ Ship name
- ➔ Type of ship
- ➔ Flag
- ➔ IMO number
- ➔ Current location of the ship
- ➔ The next port of call + ETA
- ➔ Number of crew and their nationalities



## ● Thinking of taking industrial action?

## ● Read this first!

The ITF is committed to assisting seafarers serving on flag of convenience ships to get just wages and proper collective agreement coverage.

Sometimes seafarers have to resort to legal action in local courts. On other occasions boycott action may be taken against a ship. Different actions are right for different places. The right action in one country may very well be wrong in another.

What you must do first is contact the local representative of the ITF. You will find contact email addresses and phone numbers in the centre of this bulletin. You should also seek local legal advice before you take any action.

In some countries, the law actually works against you and your fellow crew members if you take strike action, and in such a case, the local ITF union representatives will explain this to you.

In many more countries, the key to winning a dispute is strike action. Once again, this depends on the local advice you receive. You have the legal right to strike in many countries, so long as your ship is in port and not at sea.

In any strike action it is important to remember to remain disciplined, peaceful and united. And remember, the right to strike is a basic human right guaranteed, in many countries, by the law or constitution.

Whatever you choose to do, don't forget to talk to the local ITF representatives before you do anything. Working together, we can win the battle for justice and basic rights.



ANTIGUA AND BARBUDA



BAHAMAS



BARBADOS



BELIZE



BERMUDA



BOLIVIA



BURMA/MYANMAR



CAMBODIA



CAYMAN ISLANDS



COMOROS



CYPRUS



EQUATORIAL GUINEA



FRANCE (second register)



GEORGIA



GERMANY (second register)



GIBRALTAR



HONDURAS



JAMAICA



LEBANON



LIBERIA



MALTA



MARSHALL ISLANDS



NO PLACE TO HIDE.

# Flags of convenience



MAURITIUS



MONGOLIA



NETHERLANDS ANTILLES



NORTH KOREA



PANAMA



SÃO TOMÉ & PRÍNCIPE



SRI LANKA



ST. VINCENT & THE GRENADINES



TONGA



VANUATU



These are the maritime flags that the International Transport Workers' Federation has declared **FLAGS OF CONVENIENCE**

In addition to these flags, there are certain shipping registers whose vessels can be regarded, on a ship by ship basis, as operating under a flag of convenience.  
ITF HOUSE, 49-60 BOROUGH ROAD, LONDON SE1 1DR TEL: +44 (0)20 7403 2733 FAX: +44 (0)20 7357 7871 EMAIL: MAIL@ITF.ORG.UK INTERNET: WWW.ITFGLOBAL.ORG



International Labour Organisation/M Crozet

# Seafarers get a new bill of rights

**The Maritime Labour Convention 2006 provides real and enforceable rights for seafarers. This is your simple six-page guide to what it means for you.**

**S**eafarers will soon see real benefits to their working conditions, as a result of the International Labour Organisation (ILO) Maritime Labour Convention (MLC), 2006, otherwise known as the Seafarers' Bill of Rights.

The convention will provide comprehensive rights and protection at work for the world's seafarers.

Most importantly, it has a comprehensive enforcement system for all vessels, even where their flag states have not signed up to the convention.

The ITF and its affiliates played a major role





in developing the convention at the ILO.

“This is a real vehicle for change and a tool for improvement in the maritime industry,” says Jon Whitlow, ITF seafarers’ section secretary. “We fought for seafarers’ rights in the convention, line by line, issue by issue. Now we want seafarers to use it, by complaining if they don’t receive their rights.”

The MLC, 2006, will come into force 12 months after ratification by at least 30 ILO member countries with a total share of at least 33 per cent of the world’s gross tonnage of ships. Currently, five countries have ratified the convention: Bahamas, Liberia, Marshall Islands, Nigeria and Panama.

According to the ILO, this high standard of ratification is designed to achieve real change for the sector, not just a token sign-up. The countries that are responsible for regulating conditions on the major part of the world’s merchant fleet will need to implement the standards at a national level.

## THE BASICS

A seafarer is defined as any person who is employed, engaged or working in any capacity on board a ship to which the convention applies. This includes riding gangs and hotel and catering staff on cruise ships, as well as other personnel.

This convention applies to all ships, except as expressly provided otherwise. The main exclusions are ships that navigate exclusively inland waterway, fishing vessels, warships and naval auxiliaries, and ships of traditional build such as dhows and junks.

Seafarers must be over the age of 16, and you must be certified medically fit for your duties.

The convention looks at conditions of employment, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection.

The MLC reminds everybody that certain fundamental rights relating to work should be maintained. These include:

- The right to freedom of association – your right to join a trade union of your choice
- Effective recognition of the right to collective bargaining – the right of your union to negotiate a CBA (collective bargaining agreement) on your behalf.

In brief, you have a right to a safe and secure workplace, where safety standards are complied with, where you have fair terms of

## The MLC in brief

The Maritime Labour Convention is a seafarers’ bill of rights, fought for by the ITF and its affiliates.

It gives seafarers basic rights and protections at work. The MLC says that seafarers have a right to:

- ➔ a safe and secure workplace
- ➔ fair terms of employment
- ➔ decent living and working conditions
- ➔ social protection such as access to medical care, health protection and welfare.

It has a comprehensive enforcement system, but seafarers need to report problems for the system to work.

employment, decent living and working conditions and social protection such as access to medical care, health protection and welfare.

## YOUR ENTITLEMENTS

### Wages

You have the right to be paid regularly and in full, at least monthly, and in accordance with your employment agreement or CBA. Your employer must provide you with a monthly account. Overtime records should be kept by the captain and endorsed at least monthly by you. Your employer must ensure that you are able to send all or part of your earnings home. You shouldn’t be expected to pay unreasonable charges for such services.

Your entitlements include:

- You should be paid in full any outstanding remuneration on termination of your engagement.
- No deductions can be made from your pay, including fees for obtaining employment, unless expressly permitted by national law or agreed in your CBA.

### Hours of work and hours of rest

Normal working hours are based on an eight-hour day with one day of rest per week.

The flag state can decide whether to base the limits on maximum hours of work or minimum hours of rest.

**Minimum hours of work:**

- You must not work more than 14 hours in any 24-hour period.

- You must not work more than 72 hours in any seven-day period.

**Minimum hours of rest:**

- You must have at least 10 hours of rest in any 24-hour period.
- You must have at least 77 hours of rest in any seven-day period.

The hours of rest can be divided into no more than two periods, one of which must be at least 6 hours long. You cannot work for more than 14 hours without taking a rest. However, in the event of an emergency in which the safety of the ship and crew are in danger, or to give assistance to other ships or persons in distress at sea, the captain can suspend the work schedule until the problem is resolved.

**Working arrangements:**

All ships have to display a table with shipboard working arrangements in the working language of the ship and in English. It must include:

- Schedule of service at sea and service in port
- Maximum hours of work or minimum hours of rest required by law or by applicable CBAs.

Records must be kept of hours of work and hours of rest so that they can be checked to ensure compliance with the regulations. You must receive an endorsed copy of your hours of work/rest.

### Entitlement to leave

You are entitled to paid annual leave, and shore leave and the minimum annual leave entitlement is calculated on the basis of 2.5 days for every calendar month of employment.

### Repatriation

You have a right to be repatriated at no cost to yourself. The maximum period you can be expected to serve on board before being entitled to repatriation at the shipowner’s expense is 12 months.

### Accommodation and recreational facilities

Flag states have to pass laws and regulations obliging ships flying their flag to comply with a set of standards that must be inspected for compliance.

### Food and catering

Ships must carry sufficient quantities of good quality food and drinking water and supply it free of charge during your period of engagement. Religious and cultural



# The ITF and the Maritime Labour Convention

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**The rights weren't given to us by governments, we had to battle for them. It didn't happen easily. Unions working together achieved this bill of rights.**  
”

**By Jon Whitlow**

The ITF has been heavily involved in all the Maritime Labour Convention negotiations.

This is a very innovative piece of work: in terms of ILO conventions, it's much more detailed than usual. We spent a lot of time on compliance and enforcement and we feel it's as good as it possibly can be, given the need to secure tripartite agreement.

Every ship over 500 GT, operating in international waters or between ports of different countries, has to have a maritime labour certificate. This means that the majority of world ships will need a certificate.

For the first time, there will be regular inspections on global social and labour rights. And even ships without a certificate can be inspected.

But seafarers must now play their part. We're asking seafarers to stand up and fight, and to use their rights, by complaining if their rights aren't adhered to. If seafarers report anti-union clauses, non-payment of wages or double book-keeping, this will come under port state control for the first time.

Flag of convenience shipping has turned a blind eye to social and labour rights. Even though it has an obligation under international law, now this will be enforceable.

The rights weren't given to us by governments, we had to battle for them. It didn't happen easily. Unions working together achieved this bill of rights. And unions fought to improve the minimum social and employment rights. It can't be used as a tool to downgrade existing rights. If used well, this convention could be a major weapon.

The ITF is continuing to work on the MLC. We're now involved in lobbying for ratification, along with national unions. The signs are that it will be widely ratified.

We're training ITF inspectors, and producing simplified guidelines and factsheets. Seafarers should contact inspectors as they have a key role in ensuring seafarers' rights are delivered.

Ultimately, we'll measure its success by what it achieves in the real world and how it affects people on the ground.



All photos: International Labour Organisation/M Crozet



The International Maritime Organisation has decided that the theme for this year's World Maritime Day – to be observed during the week of 20 to 24 September – will be “2010: Year of the Seafarer”. According to the IMO, the aim is to “pay tribute to the world's seafarers for their unique contribution to society and in recognition of the risks they shoulder in the execution of their duties in an often hostile environment”.



## WHAT IT MEANS FOR ME

### The ITF inspector

**Ilpo Minkkinen, ITF inspector, Finnish Seafarers' Union**

I have been participating in meetings with government and employers about our national legislation. We have to make changes to our legislation so that we can implement and ratify the Maritime Labour Convention 2006.

I'm reminding shipowners and administration representatives that the MLC 2006 is only a minimum standard and we can always make our national legislation better; for example on accommodation, recreational facilities, food and catering. I have visited our flag vessels and discussed with seafarers, safety representatives and shop stewards and asked their opinions on these matters.

But my concern is that shipowners think the MLC 2006 is a maximum not a minimum standard. If a vessel is not covered by an ITF acceptable collective bargaining agreement, the only employment agreements and wages are International Labour Organisation-recommended minimum wages. In our country we don't accept ILO level wages on flag of convenience or national flag vessels, but the port state control does. So I'm concerned about whether

the port state will act on any problems we uncover.

Ultimately, I think my work as an ITF inspector will be the same when the MLC 2006 is in force. We have strong unions in Finland and we will be successful in our FOC campaign to secure decent wages and working conditions for seafarers.

For seafarers on our national flag ships there will be little change. But for seafarers on board FOC vessels there will be the opportunity to ask for help from our country's port state inspectorate in matters concerning the MLC 2006. I'm sure they will contact us for help, particularly when it comes to wages. They can rely on us to do our best.

Whatever happens, I am sure seafarers will always need strong unions and strong support from the ITF to defend their basic rights.

### The welfare officer

**Roger Harris, International Committee on Seafarers' Welfare**

The MLC 2006 provides an important opportunity to raise the profile of seafarers' welfare and put it firmly on the maritime agenda. It will mean a lot more work for the ICSW to ensure that the welfare sections of the MLC are fully understood and implemented. It means developing constructive partnerships with shipowners and managers, unions, ports, governments

and welfare organisations to ensure that the mandatory regulations are complied with and the voluntary guidelines adopted. It will mean more work for me, as I need to make sure that the ICSW plays a leading role in the implementation of the welfare regulations and guidelines of the MLC.

The MLC establishes the right of the seafarer to "health protection, medical care, welfare measures and other forms of social protection". The MLC marks a step forward as, unlike other conventions, it applies to all states, even those which do not ratify it. It should mean better access to welfare services and facilities for ordinary seafarers.

The convention is of vital importance as it recognises that seafarers are human beings with rights to welfare that should be respected and upheld. The convention also recognises the importance of providing welfare services and facilities both on board and ashore and developing structures to deliver this.

“**The MLC marks a step forward as, unlike other conventions, it applies to all states, even those which do not ratify it.**”

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differences also have to be considered.

Ships' cooks have to be appropriately trained and qualified, except on ships with less than 10 crew or for a period of no longer than one month.

### Health and safety protection and accident prevention

You are entitled to live and work in a safe and hygienic environment where a culture of safety and health is actively promoted.

If you are on a ship with five or more seafarers, you have to have a seafarers' safety representative elected or appointed by the crew to participate in the ship's safety committee.

### Medical care on board ship and ashore

Whilst you are on board you must be able to protect your health and have prompt access to medical care, including dental care, should you need it.

You should not be worse off than people working ashore. This means you should have prompt access to necessary medicines, medical equipment and facilities for diagnosis and treatment as well as medical information and expertise.

For ships carrying 100 or more people, on international voyages of more than three days, there must be a qualified medical doctor on board.

### Shipowners' liability

Shipowners are responsible for any costs resulting from sickness, injury or death connected to your employment, from the date you start a contract until you have been repatriated, or can claim medical benefits under an insurance/compensation scheme.

If you need medicine, medical treatment, or have to stay away from home while your condition is treated, the shipowner has to pay any bills until you have recovered or you have been signed off as permanently disabled. The



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**If you are on a ship with five or more seafarers, you have to have a seafarers’ safety representative elected or appointed by the crew to participate in the ship’s safety committee.**  
 ”

shipowner’s responsibility for paying these costs may be limited to 16 weeks from the day of injury/sickness, if stated in national law/regulation.

If you are unable to work as a result of the injury/illness you should get full wages so long as you are on board. When you get home national laws and CBAs apply which will determine whether you get full pay, part pay or a cash settlement. These payments may be limited to 16 weeks from the day of injury/sickness.

#### **Access to shore-based welfare facilities**

All seafarers working on board a ship should have access to shore-based facilities and

services to secure their health and well-being. They should be easily accessible to you regardless of your nationality, race, colour, sex, religion, political opinion, social class or the flag of your ship.

Shipowners must, if possible, grant shore leave – this is not an obligation on port state control.

#### **Social security**

You and your dependants have a right to have access to social security protection. States have to provide at least three areas of social security and the recommended areas are: medical care, sickness benefit and employment injury benefit.

### **RECRUITMENT, PLACEMENT AND EMPLOYMENT AGREEMENTS**

Crew manning agencies offering recruitment services must not charge for finding you work. The only costs that can be charged to you are those for obtaining your national statutory medical certificate, your national seafarers’ book, your passport or similar personal travel documents. The cost of visas must be paid for by the shipowner.

#### **Seafarers’ employment agreements**

You are entitled to a fair employment agreement or contract setting out decent living and working conditions on board. It must be signed by you and your employer, be easy to understand and legally enforceable. On the employer’s side, it can be signed by the shipowner, the shipowner’s representative or the person who has taken over the duties and responsibilities for operating the ship.

All information on the terms and conditions of employment, including the CBA, must be freely accessible to everyone on board and available for inspection in port.

#### **What must be in your employment agreement?**

- Your full name, date of birth/age and place of birth
- Shipowner’s name and address
- Place where and date when the agreement was signed
- Position on board, for example 3rd engineer, able seaman, cook
- Amount of your wages and how they are calculated
- Amount of paid annual leave
- Conditions for terminating the contract, including notice period for agreements of indefinite length
- Expiry date – if the contract is for a fixed term you are entitled to know when you will be discharged
- Port of destination – if the contract is for a specific voyage you should know how long it will be after your arrival before you will be discharged
- Health and social security benefits provided by the shipowner
- Details of your entitlement to repatriation
- Reference to the CBA, if applicable
- Any other details required by national law.

### **WHAT HAPPENS IF SEAFARERS DON’T RECEIVE THESE RIGHTS?**

As a seafarer you can make a complaint on board either to a senior officer, to the captain, to the shipowner or to the flag state. You can also make a complaint to a port state control officer/labour inspector. You don’t have to make the complaint directly; someone else, for example an ITF inspector or welfare worker, can make it for you.

The flag states, port states and labour-supplying states all have responsibilities in securing compliance with and enforcement of the requirements of the MLC.

## WHAT IT MEANS FOR ME

### The port state control officer

#### Luigi Giardino, Italian Port State Control

Once the Maritime Labour Convention is firmly in place, it will establish a level playing field for the tripartite partners, benefiting the governments (flag state), shipowners and seafarers alike. It is timely that the seafaring community and social partners work ever closer to ensure that all seafarers have decent employment conditions.

Previously, the large number of existing maritime conventions made it difficult for governments to satisfy and to enforce all of the standards. Many of the standards were out of date, and did not reflect contemporary working and living conditions on board ships. There was a need to develop a more effective enforcement and compliance system that would help to eliminate substandard ships. It also needed to work within the well-established international system for enforcement of the international standards for ship safety and security and environmental protection that have been adopted by the

International Maritime Organisation (IMO).

Ships have to be certified to say they are in line with the international principles of the MLC. This should make it easier to identify the ships we need to inspect.

A ship that is certificated under the authority of the flag it is entitled to fly will be inspected abroad less. Port state control will need to focus mainly on ships that are, or seem likely to be, substandard. This includes ships that are not certified because their flag state has not ratified the convention.

### The national union official

#### Juan Luis Villalón, ITF inspector, Chile

In Chile, we've been playing a big part in the development of the MLC at a national level. We recently created a Merchant Marine Workers' Council, which brings together maritime unions, federations, colleges, officers and ratings. We, as workers, now have a unique opportunity to approach the authorities with our requests

and problems, and to be consulted when new laws are being drafted.

Politically, the ILO has always been keen on having Chile ratify or at least adopt some conventions.

Our government decided to start a tripartite consultation on the MLC. The ILO saw a very good chance of promoting this in Latin America and held a seminar at their sub regional office.

All parties looked at the issues they thought should be included. Some relevant issues were the difference between safety manning and commercial manning, the importance of the catering department in the ship,

working hours, accommodation and certification. Even the national registry came up during this conference.

Many authorities attended the conference including the ministry of labour, the labour directorate (inspecting department), the maritime sub secretary, the health secretary, the maritime authority, the shipowners' association and workers. We lobbied the authorities and owners to have as many people involved as possible.

A draft was created as a report in order to start the consultation. This was the first step in a round of formal and official negotiations with government and shipowners.

During the year, all issues relating to the implementation of the MLC were broached, particularly those issues that involved a modification of our internal regulations, such as the Labour Code, national STCW, on board working regulation, navigational law etc.

Once the final draft was completed in agreement between all parties, a report was sent to the ILO and currently we are reporting to a regional conference on the MLC in Barbados, where I am assisting as the workers' representative.

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**We, as workers, now have a unique opportunity to approach the authorities with our requests and problems, and to be consulted.**  
”



#### On-board complaint procedures

There must be a procedure in place on board your ship enabling you to make a complaint about breaches of the convention and your rights, including the right to live and work in decent conditions.

You should try to resolve problems at the lowest possible level, but you do have the right to go directly to the master, or to external authorities such as a representative of the flag state. You have the right to be accompanied by a representative or a fellow seafarer and

under no circumstances can you be victimised for making a complaint. If the complaint cannot be resolved on board you should refer the matter ashore, either to the shipowner or to the authorities of the flag state, the port state or those in your own country. When you join the ship you should get a copy of the on-board complaints procedure.

#### COMPLIANCE

Each flag state will decide for itself how to comply with the MLC so conditions will vary

from flag state to flag state. This is permitted so long as the convention's requirements are met and the ship complies with the flag state's standards, which must be set out in the Declaration of Maritime Labour Compliance.

In addition to the DMLC, each ship over 500 GT, operating in international waters or between ports of different countries, has to have a maritime labour certificate. The certificate confirms that the vessel complies with the convention requirements.

● For further information visit: [www.itfseafarers.org](http://www.itfseafarers.org)



*A seafarer with his family heading to Mersey Mission to Seafarers, Liverpool.*

# Seafarers' centres Use them or lose them

**Welfare centres may face closure if they don't get enough visitors, and seafarers will lose out.**

**S**eafarers have faced a difficult time in 2009. Many ships have been laid up and the time between contracts gets longer. When there is less cargo on board, ships take less time to load, and crew have an even shorter time for shore leave.

This means that seafarers' centres are also struggling. Either they have had fewer visitors, or the visitors they have had have had less money to spend. Traditional income such as selling beer and refreshments has decreased with tighter restrictions on alcohol consumption. Selling of phone cards and





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**The needs of seafarers have changed and so there is a limited need for centres with accommodation for example and the centres need to be smaller and closer to the ports wherever possible.**

”

## Seafarers' centres

There are an estimated 650 seafarers' centres at ports around the world. Many are operated by members of the International Christian Maritime Association (ICMA). The ITF Seafarers' Trust, with ICMA, funded a workshop in Hong Kong to bring together centre managers and chaplains from around the world. Centre managers looked at the crucial factors and best practice to make seafarers' centres successful.

The group identified a number of issues, including:

- the need for centres to be focused on seafarers' needs
- the infrastructure (location, accessibility, architecture) of centres
- the integrity of persons and services associated with centres
- the attitude and professionalism of staff and volunteers
- relationships of the centres with local authorities, the industry and the local faith community
- reliable transport to be available
- fundraising is an important part of maintaining these valuable services for seafarers.

Seafarers' centres offer a valuable service and, by coming together, centre managers can make sure they truly meet the needs of seafarers.



income from calls made has decreased as phone calls have got cheaper.

Representatives from several of the world's seafarers' centres gathered in Hong Kong in October 2009 to see how these centres can stay open and continue to support seafarers successfully.

A Filipino seafarer, Nonoy Baldon, came to the group to share his experience of seafarers' centres from a recent voyage. Nonoy said that the crew were very happy to meet ship visitors on board their ships in ports, especially if they could help them communicate with their families. He spoke about how easy it was for seafarers to be exploited by the commercial people in the ports and that once he had had to pay US\$100 for a 25-minute taxi ride into town. In the local bar they were well looked after and "given" many snacks and food and drinks, only to be presented with a US\$500 bill at the end of the evening.

In another port the chaplain had visited the ship and taken them on a sightseeing tour and to the seafarers' centre. Nonoy commented that it was good to see some grass and mountains and after that tour his fellow crew

members were very happy and they talked about the experience even as they were signing off the ship at the end of the contract.

Hennie La Grange, general secretary of the International Christian Maritime Association, said: "The workshop clearly displayed the passion and professionalism of the delegates, and the quality of care delivered to seafarers at centres. ICMA is proud to be associated with such dedication to serving seafarers. We hope that the outcome of the workshop will be a toolkit for all seafarers' centres."

Roy Paul from the ITF Seafarers' Trust also helped lead the workshop and said: "It was very clear that the centres are still very much an essential part of providing welfare for seafarers. The MLC 2006 highlights the need for port-based welfare facilities and these centres already exist in many ports.

"The needs of seafarers have changed and so there is a limited need for centres with accommodation for example and the centres need to be smaller and closer to the ports wherever possible. Above all though they need to be used by seafarers and I hope that seafarers will make an effort to visit centres whenever they can and to support their centres!"

The rise of container shipping has affected the welfare of seafarers. Ships can be unloaded and loaded again in hours rather than days and so the shore leave time available to seafarers is limited. The opportunity in many places to visit the seafarer's centre in the city or outside the port has been affected.

So perhaps it was inevitable that sooner or later someone would look to containers to meet the welfare needs of seafarers. In ports around the world, containers are increasingly being converted into seafarers' centres.

Seafarers gain a number of advantages with these new container centres. Most importantly, they can be located much closer to the dock, making them easy to visit. This is why the ITF Seafarers' Trust is funding these facilities and encouraging seafarers to make use of them.

#### Container centres

In 2009, the ITF Seafarers' Trust funded the opening of a container seafarers' centre in the Philippines port of General Santos. The project was coordinated with the help of the port authority and the chaplain, Sr Susan O Bolanio. Bolanio, together with Bishop Gutierrez, approached Marina (Maritime Industry and National Administration), customs, coastguards and the Philippine Port Authority (PPA).

The PPA committed to provide a space for the Apostleship of the Sea services. The multinational fruit shipping company, Dole Philippines, donated a 40-foot container through its general manager Kevin Davis. The company constructed the building, adding doors and windows, flooring and lining in less than a month, transforming it into the Seafarers' Centre.

The Stella Maris seafarers' drop-in centre is strategically



## A new solution?

### ROY PAUL reports on the latest innovation to provide seafarers with a welcoming space.

located for visiting crews on the quayside within walking distance of the ships. It has an internet café and telephones, as well as a small refreshment area and garden area where seafarers can sit in the evening and relax.

The ITF Seafarers' Trust has funded a number of similar projects. In the Philippines port of Cebu, two 40-foot containers have been converted into a seafarers' centre. And in the French port of Marseille, a temporary modular building provides a similar alternative to a container, acting as a seafarers' drop-in centre.

Seafarers who arrive at the Nigerian Port of Apapa, in Lagos, can also find a welfare centre very close to the port. The port authority offered a site alongside the port control tower, and the ITF funded a new centre with four internet-connected computers. Seafarers can access soft drinks and local souvenirs.

Amos Kuje, the secretary of the National Seafarers' Welfare Board, said: "With the help of the port authority we have been able to establish the centre here. The programmes planned for seafarers in this centre include

the hosting of seafarers from ships berthed in Apapa's terminals for general cargo, container, bulk and roll on roll off.

"The space within the centre is being used for relaxation, table tennis and badminton. A free bus is available to visit places of interest, to go shopping and attend churches and mosques. The volunteers have undertaken the ICSW-sponsored ship welfare visitors' course. They regularly visit ships and also carry out duties in the centre to ensure it is open to seafarers daily from 9am-9pm."

Containers are an excellent way to provide seafarers with useful facilities close to the port. If the needs of the port change, then the containers can simply be moved to other areas.

Barnabas Epu is a volunteer at the Apapa centre and he says: "We have had many visitors to the centre since it opened. We are lucky to be in this location within the port, as with the ISPS (International Ship and Port Facility Security) Code code the seafarers can get to us easily. Also we are within the secure areas which makes it possible for seafarers to visit. The seafarers are surprised to find the centre here in the port and happy that they can contact their families."

Tom Holmer of the ITF Seafarers' Trust said: "We will continue to fund these centres to help seafarers access the services they need. We are delighted that where these centres are being established local shipping companies and port authorities are responding positively in providing the containers and the space to house the container centres. In some places the port authority responding to the welfare needs of seafarers in their ports have also provided the electricity and water services and this is a tremendous help."

## ITF Seafarers to Launch in Chinese, Russian and Spanish



ITF maritime coordinator Stephen Cotton gives us an insight into the ITF Seafarers website 18 months on.

### WHAT WAS THE ITF'S AIM IN CREATING A WEBSITE SPECIFICALLY FOR SEAFARERS?

**SC:** Most seafarers know the ITF and what we can do for them. But we were lacking a one-stop shop where seafarers could find relevant ITF information. It was also important for us to give seafarers more, which is why we have included a lot of interactive tools on the site. We hope that these will help us to communicate with seafarers.

### WHAT NEW THINGS ARE YOU PROVIDING TO SEAFARERS THROUGH THE WEBSITE?

**SC:** Seafarers can now look up their ship and get important information, such as whether it has an ITF agreement or when it was last inspected by the ITF. There is also an interactive discussion forum, Crew Talk, where seafarers can exchange views about the things that affect them. Another new area is the Inspector's Blog, which is proving to be very popular. It seems that there is a great deal of interest in what our inspectors have to say, the experiences they share and the advice they have to offer. There is also weekly news, so that seafarers can stay up to date with developments that affect them.

### HOW SUCCESSFUL HAS THE WEBSITE BEEN SO FAR?

**SC:** We've had some fantastic feedback from seafarers who have visited the site. And the steady growth in traffic is really encouraging. More and more seafarers are getting in touch with us through the site now. And this year, with the launch of the language versions of the site, and ongoing development of the content, the website will continue to go from strength to strength.

### YOU MENTION LANGUAGE SITES?

**SC:** Yes, this year we launch the site in Chinese, Russian and Spanish. We are really excited about this and hope that the sites will offer non-English speakers much better access to information and advice, particularly on their employment and trade union rights.

### WHAT NEXT FOR THE WEBSITE?

**SC:** This year we want to make sure that as many seafarers as possible know about and visit the site, including the language versions. We are constantly looking to improve content. Next on the list is to include further information for seafarers about the Seafarers' Bill of Rights (Maritime Labour Convention 2006).



# Support of call online



## HOMEPAGE:

www.itfseafarers.org has been designed for all levels of web user. You can choose your language using the selector at the top right of the homepage and then browse the menus. ITF Seafarers includes weekly maritime news stories, information about your rights, and a regular blog from our inspectors.



## CREW TALK:

If you're away at sea for months at a time then isolation can be a problem. Make contact with other seafarers and chat about the things that affect you on Crew Talk, our online discussion forum. It's easy to register and will shortly be available in Chinese/Russian/Spanish.



## INSIDE THE ISSUES:

Our factsheets are handily grouped together in a single section and offer a complete introduction to all the key issues affecting seafarers, with links to further resources, information and practical advice just a click away.

## WHAT OUR USERS SAY:

Keep up the good work ITF.

**habfan**

Congratulations – great stuff.

**Dean**

I'm thankful I found this site.

**kabiyakngmarino**

Great web site.

**Bacon**

This is a terrific site – well done!

**seachaplain**

Thanks ITF! This is a great move.

**joey**

I am so glad the ITF has offered their help.

**denz**

This is a great site.

**chaplains**

Thanks. You guys are really great.

**jacksplin**

Congratulations on a wonderful new site.

**Robert Dickson**



The ITF has gathered experts from unions and industry to give seafarers the inside view on the crisis: you need to read this; compiled by **NICHOLA SMITH** from the maritime policy unit at ITF head office.

*Above: Unused containers are seen piled up at storage depots near a residential area in northwest Hong Kong during 2009.*

# Economic

**T**he shipping market is probably the most global of industries. In this crisis, the globalisation of economies has meant that much of the world is affected by the economic downturn of the countries within the global chain. Job losses are affecting all sectors of the maritime market, there has been an increase in seafarer abandonment and delayed or non-payment of seafarers.

The ITF and its affiliates across the world are trying to counteract this and stave off the worst of the situation by protecting seafarers, but some shipowners are having a terrible time, especially those that didn't play it safe in the good times.

We have gathered seven experts in the field to offer their opinion on the crisis, offer advice and explain what they've been doing since it erupted.

They are:

**Igor Pavlov** – president of the Seafarers' Union of Russia (SUR);

**Jacqueline Smith** – president of Norsk Sjømannsforbund in Norway;

**Abdulgani Y Serang** – general secretary-cum-treasurer of the National Union of Seafarers of India;

**Nick Bramley** – from UNIA in Switzerland and

chair of the ITF Inland Navigation Section;

**Paddy Crumlin** – national secretary of the Maritime Union of Australia;

**Brian Martis** – group business services director of V-ships;

**Giles Heimann** – secretary general of the International Maritime Employers' Committee.

## How is the economic crisis affecting your work?

**Igor Pavlov** The economic situation naturally influences the union; there are more claims for protection of rights and non observance of the collective bargaining agreement (CBA) clauses, but most of the claims are about delays of wages. The number of abandonment cases has drastically increased; these cases – where shipowners leave vessels without supplies, food, wages and repatriation – are the most difficult; all the current abandonment cases we are dealing with are on vessels without collective agreements.



# crisis in focus

**Jacqueline Smith** As a trade union we have seen an increase in ship lay-ups, and thus crew lay-offs. Our shop stewards have requested assistance from the union with this and with crews' legal and contractual rights. Shipowners are reflagging their vessels from the Norwegian Ordinary Register (NOR) to flags of convenience and replacing Norwegian seafarers with those on wages and working conditions far below Norwegian levels. Since many of these vessels operate in Norwegian territorial waters and the continental shelf, it is considered as social dumping.

**Abdulgani YSerang** India, as a stabilised developing economy, has not been affected to the same extent as the developed economies. For us, the economic crisis is more of a mental perception rather than a physical one. We have taken lessons from the experience of the developed economies and are in a better position to face the crisis.

**Nick Bramley** In inland navigation the effects have been dramatic with a total fall-off of over 25 per cent but with certain

categories suffering more than others. The speciality of inland waterways is the transport of bulk goods (oil, metals, ore, grains, building materials etc) and containers. In the current crisis the collapse of manufacturing has particularly hit metal and ore transport and the container market. We have also had to endure a dry summer and low water levels. There is a lot of uncertainty about the future especially as so many employers are owner operators who are under-financed and not well equipped to deal with a crisis.

**Paddy Crumlin** The Global Financial Crisis (GFC) has affected the work of the MUA in two ways. First, it requires a tremendous amount of additional resources devoted to the membership, particularly in stevedoring where the economic consequences of the GFC had its main impact. Some break bulk ports experienced up to a 60 per cent drop in tonnage throughput, ports generally experienced around a 30 per cent reduction in throughput, all in a matter of months. Naturally, redundancies and severely reduced hours became a reality for the first time in more than a decade. Secondly, it has made us and our union alliance partners think

and act strategically at the national and international policy level. That was a challenge for the trade union movement – did we have the capacity both organisationally and intellectually to rise to the challenge and seek to influence the policy response?

**Brian Martis** The crisis has affected the shipping industry quite significantly. There are a number of ships laid up and the market has not recovered to the extent that bankruptcies will not occur. Consequently, many shipowners find themselves in financial difficulties. The implications for seafarers are that some shipowners are unable to meet their obligations towards them. It is up to good ship managers to recognise the warning signs and to have the ability to ensure that seafarers are signed off and repatriated before the situation becomes irretrievable.

**Giles Heimann** The crisis is affecting our work greatly, profit has been wiped out. There are currently 12 per cent of





European seafarers demanding better pay and working conditions protest near the European Commission headquarters in Brussels.

container ships laid up, some reports are saying this could increase to 30 per cent. Shipowners are looking to cut costs and save money, so the last International Bargaining Forum (IBF) negotiations were the most difficult to date. The shipowners in IMEC are all responsible owners but if they go out of business, seafarers are out of work; the shipowners appreciate that there is understanding in the ITF family that times are difficult for all.

## How are you responding to help members?

**JS** The union offers legal advice and assistance to the crew when negotiating with the company on who should be laid off or dismissed based firstly on seniority, although other criteria may be taken into account. We are also lobbying the Norwegian government to introduce regulations for vessels operating on the continental shelf with the aim of securing Norwegian wage and working conditions for all seafarers, regardless of nationality.

**IP** In all cases when seafarers ask for assistance from the Seafarers' Union of Russia on any problem (wages delays, problems with repatriation etc) the union does everything possible to assist through negotiations with employers, requests for support from the ITF or from the fraternal trade unions, through legal claims, letters to the government and sometimes the president (as we did for the *Arctic Sea* crew).

## In brief

Seafarers can take some simple steps to be in the best possible position, whatever happens in the economy.

- ➡ Know your rights
- ➡ Join a union
- ➡ Upgrade your skills

For more information and help on all of the above, go to [www.itfseafarers.org](http://www.itfseafarers.org), where you can also join the debate on our forums.

**AS** Though the economic crisis has affected cargo volumes nationally and internationally there has been no substantial loss of employment for Indian seafarers. The percentage of Indian seafarers has not come down drastically, as they have consistently maintained their share of employment in world shipping.

**NB** We have to ensure that measures are not taken to respond to the crisis, which then become "normal" afterwards. So in inland navigation we have been actively engaged in political lobbying against the increased use of low-cost labour sourced from outside Europe. For seafarers our main area has been working for Swiss ratification of the Maritime Labour Convention (MLC), which we hope to achieve in 2010 (see pages 27-32 for more on the MLC).

**PC** At the most immediate level, we gave the membership an opportunity to find the best solutions to worker lay offs or reduced hours. They responded in a creative way by identifying a raft of solutions which

protected jobs but reduced the cost to the employer; this allowed minimal loss of jobs. Where redundancies were accepted, almost entirely on a voluntary basis, the collective agreements offered an attractive exit from the industry. The union was also successful in lobbying for special government assistance to transition some redundant stevedores into seafarer training, with prospects of gaining positions as Integrated Ratings. We also worked at national level, urging the government to adopt an economic stimulus package that was focused on immediate job creation and at international level with the ITF and the International Trade Union Confederation to influence debates in forums such as the G20.

## How does this downturn compare to previous slumps in the global economy?

**BM** This downturn is an exceptional one. It comes as a result of the disastrous economic situation in the US. Globalisation has ensured that what happens in the US, economically and politically, impacts the rest of the world. The supremacy of the dollar as a reserve currency is under threat. Some countries are substantially reducing their dollar reserves and dollar based assets. For the first time, oil is being traded in Euros as well. Shipping interests are watching the unfolding developments keenly. This downturn is more than cyclical in nature. It is here to stay for at least two or three years despite what politicians say.



**This is the most severe downturn in living memory. It affected all sectors of the economy and for our industries, shipping and ports, the downturn in consumer confidence had a massive impact on domestic demand and therefore on our imports in particular.**



**JS** The shipping crisis that came in the wake of the 1970s oil crisis was a result of unexpected and extreme changes in the demand for sea transport, especially in the tanker market. One similarity between the two crises is the overcapacity of existing ships and the large number on order. However, after the '70s the Norwegian government established a guarantee system for ships and drilling vessels in an attempt to limit the damage. This is still in force, but has proved to be more effective for rigs and shipyards than for ships. Another similarity is the reflagging of ships from Norwegian to FOC or other EU flags that allows the shipowners to employ non-European seafarers on wage and working conditions below European standards and considerably lower than those in Norway.

**PC** In my assessment, this is the most severe downturn in living memory. It affected all sectors of the economy and for our industries, shipping and ports, the downturn in consumer confidence had a massive impact on domestic demand and therefore on our imports in particular. Australia was somewhat shielded because of our supply of bulk commodities like coal and iron ore to the Asian manufacturing powerhouses, which, while suffering a hit, was relatively short-lived. There is no doubt that the union movement's lobbying of government for early and large economic stimulus and for a renewed focus on skills development also helped ease the pain for workers.

**IP** According to IMF experts this global crisis is the worst since 1960. According to the analysis of the 15 recent downturns since 1960, for 21 developed economies, if the typical recession lasts for a year it takes more than five years to recover. It looks like the present crisis will be long and recovery difficult.

**GH** It is the worst in recorded memory. No one saw it coming. It went from being so good to so bad so quickly. Many thought the good times would continue so over ordered vessels, but we were living in a bubble. This crisis will be played out over many years.

**AS** In the previous slumps there was a tremendous loss of jobs. Indian officers and ratings had to wait for months awaiting their turn of employment. This time around the loss of jobs is definitely not of that magnitude. While the wages of ratings have been slightly marginalised, the wages

of officers have not come down and they are very much in demand.

**NB** What we notice most is that it is taking place in a deflationary period here in Switzerland, so it's not been accompanied by massive inflation as in previous crises. We fear that purchasing power will be affected by this and that will prolong the crisis unnecessarily. The timidity of our government with regard to stimulating the economy remains the same, however. When it came to rescuing the major banks, money was made freely available. We need more public investment and assistance to younger and long-term unemployed.

### Where do you think the growth areas are in the industry?

**BM** In Europe, LNG (natural gas) will play a substantial role, helping efforts to diversify from traditional sources of supply, particularly from Russia. The economic growth will be in China and India (growth in these countries has been less affected than in other parts of the world). Both countries are resource hungry and this will see huge opportunities for shipping.

**GH** I don't think China will be the shipowner's saviour that everyone predicts it will be; they are largely an export country, and imports aren't that big in the non-manufacturing areas. There are no growth areas to speak of at the moment. The container liner market may have bottomed out but the recovery will be slow in coming. Perhaps Asian shipowners, particularly the Japanese, will recover first.

### What advice would you give to seafarers who are suffering through this crisis?

**JS** My main advice would be to know their rights. We see many companies taking shortcuts when laying off crew. A seafarer cannot stop a shipowner from laying up a ship or





changing flag and replacing him/her with cheaper labour, but they have to follow the law and the collective bargaining agreement when doing so.

**IP** Let me quote a couple of old Russian sayings: “A fish is looking for deeper places, and a man is looking for better places” and “When it is good do not look for the better”. I would advise seafarers to stick to the second one. If you’ve worked for a company for a few years do not go for better offers. If you are looking for a job now please check with the union if there is an ITF acceptable collective agreement on board before you sign your employment contract. If there is no CBA on the vessel I would advise you not to take this job. Please find time to drop by the nearest SUR office where you can get more information about the company for which you are going to work. If you are not a union member, please register. The union is not a charity and has obligations and responsibilities only towards the members.

**AS** We are advising our seafarers to have a positive outlook and try to hold on to their jobs. It is better to keep a job and improve on it, rather than having no job at all. Indian seafarers have always stood up to the expectations of the shipping industry worldwide.

**NB** We all hope this will be a short crisis and we know that there is a long-term shortage of skilled seafarers and inland navigation workers. Colleagues would be well advised not to lose hope and to keep in contact with their unions at home for assistance and support. And unions should look at possibilities for assisting with or lobbying for assistance with training, re-training and improving qualifications for those affected by the crisis until they can find work again.

**PC** The advice I would offer to dockers, seafarers and their unions is that we must grasp the opportunity present. Capitalism can only function efficiently and with stability with well functioning labour markets. And this is something that workers and trade unions can have a big influence on. However, we must act collectively to give effect to that potential influence. So the advice I give to unions is to use the opportunity to organise. The advice I give to seafarers is to join a union. The fundamentals are critical – every worker must be offered the opportunity to become a unionist and, from

there, be given the opportunity to work as a collective in the workplace, in the industry and at the national level.

## When do you think things will start to improve financially?

**BM** Possibly two to three years from now.

**GH** At present I’m finding reports from the press, both industry or otherwise, very frustrating. Every day they are reporting the “green shoots” of recovery. These reports are not helpful, there needs to be recognition from the industry that we are in tough financial times, it could be five years before we get back to anywhere near the previous good times. The maritime employers in IMEC have a genuine desire to make it through to the other side without sacrificing jobs, we always emphasise to them the importance of training staff, especially through the tough times.

## What can seafarers do over these lean times to make sure they are in the best position when the upturn comes along?

**JS** For Norwegian seafarers, it has to be to stay employed if possible and also specialise within offshore. Without a crystal ball, it’s impossible to foresee what will happen. Unfortunately I do not think we have

seen the “bottom” yet and I’m concerned that our members will not be employed if we are not able to ensure Norwegian wage and working conditions on our continental shelf.

**AS** When the seafarers are not on board, they should be looking at upgrading their skills. They should particularly try to acquire technical skills that will help them in the long run and also when the situation is positive in terms of employment. Indians by nature are conscious of savings and seafarers are also advised to go in for financial planning and secure their future. NUSI provides all the necessary support in counselling and channelling their energies positively.

**NB** My message to colleagues in labour supply countries has to be – inform yourself about conditions in the various companies and employing countries and above all don’t let yourself be “sold too cheap”. That means strengthening unions in the home countries so that they can put more pressure on governments and crewing agencies to ensure acceptable conditions. If we let this crisis weaken our interests regaining lost ground could take years.

**PC** For dockers and seafarers who have not lost their job, there is a new responsibility to learn from the experience of the crisis to become better organised and better prepared for the future. For dockers and seafarers who may have lost their job, I believe it is important to maintain contact with the union, seek access to training or retraining opportunities and seek to re-enter the industry determined never to allow such a crisis to undermine workers’ rights in the future. If there is one lesson that we should learn from what has happened, it is that trade unions are an absolutely essential part of the fabric of society in protecting the interests of workers.



**Don’t let yourself be ‘sold too cheap’. That means strengthening unions in the home countries so that they can put more pressure on governments and crewing agencies to ensure acceptable conditions. If we let this crisis weaken our interests regaining lost ground could take years.**



# MARITIME ACCIDENTS

*Seafarers  
- be aware!*

If your vessel is involved in a maritime accident, then be aware that there are international guidelines in place to ensure that you are treated fairly if an investigation is carried out and/or if you are detained by a State following the accident.

These guidelines are the IMO/ILO Guidelines on the Fair Treatment of Seafarers in the event of a Maritime Accident.

The Guidelines require that seafarers should be treated fairly by the port or coastal state, the flag state, the seafarer state and shipowners.

It is important that you understand your rights under these Guidelines so that if you are questioned or detained following a maritime accident, you know what to do and how to protect your interests.

if you are questioned about a maritime accident involving your vessel:

- If you think it is necessary, ask for a lawyer before answering any questions or making any statements to port, coastal or flag State investigators since these could be used against you in future criminal or other legal proceedings
- Contact your company and/or union for advice and assistance
- Make sure you fully understand everything that you are asked

- If there is anything you do not understand:
  - ask the authorities to stop the questioning
  - request the assistance of an interpreter, if necessary

It is important to ensure that you protect your interests first. Therefore, follow the advice you receive from your company, union or lawyer, and importantly, when advised to provide information, be truthful with investigators.

*Protect your interests following a maritime accident  
Read the Fair Treatment Guidelines  
Know your rights  
If in doubt, ask for advice!*



# ITF Seafarers

*Your port of call online*

[www.itfseafarers.org](http://www.itfseafarers.org)



**A website for seafarers from a source you can trust**

Find out what  
your rights are

Get information  
on your ship

Learn where to get  
help in a crisis

Discover what a  
union can do for you

Link up online with  
fellow seafarers

Get in touch  
with the ITF

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