



# Seafarers' Bulletin

English | no.31/2017

International Transport Workers' Federation



## Nations need maritime skills

In this issue:

**The secretive world of flags of convenience**  
**New safeguards against abandonment**  
**Your pullout guide to getting help**



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The International Transport Workers' Federation (ITF) is an international trade union federation of transport trade unions, representing around 4.5 million transport workers in 700 unions in some 150 countries, including more than 300,000 seafarers. It is organised in eight industrial sections: seafarers, fishers, inland navigation, dockers, railways, road transport, civil aviation and tourism services. It represents transport workers at world level and promotes their interests through global campaigning and solidarity. The ITF has 137 inspectors and contacts working in ports worldwide.

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**Cover photo:** Jörgen Språng/ISWAN

# Welcome



**Huge corporate greed and tax evasion were exposed by the publication of the Panama papers in April 2016. But it's long been a similar tale in the murky world of ships operating under flags of convenience (FOCs), where shipowners avoid regulations and responsibilities through complex ownership structures. We examine the issue and feature two stories that illustrate the human cost to seafarers of FOCs.**

We're taking another look at the importance of protecting national seafarers' skills and jobs in a country's domestic maritime industry – widely known as cabotage. We report on the ongoing fight unions in many countries face and have a couple of positive wins to inspire and provide hope.

Our feature on your wellbeing takes a look at the distressing issue of depression and suicide and why as seafarers you may be particularly at risk. We point you towards support services and provide some useful tips on looking after yourself.

We highlight the very real dangers of seafarers being made to do dockers' jobs and give you the information you need to report it. And on the subject of dockers, we report on a major new study that shows that the top-down approach global container terminals take to workers' occupational health and safety is letting their employees down. We call for a more participatory approach that will deliver better protection for workers.

You need to be aware of the important new protections under the Maritime Labour Convention if you are abandoned. But if you find yourself in that terrible situation, you have to act fast, so please take the time to read carefully our article on this.

We introduce you to a dynamic, young navigation officer, Cinthia Diaz. She and the thousands of other young men and women activists are the future of our transport trade union movement.

You will also find our usual pullout guide on where and how to get help if you need it.

I'm pleased to say that we have lots of positive stories of unions and ITF inspectors out there day to day working – and winning – on your behalf. There are countless other cases of exploitation and abuses of seafarers, particularly in the fishing industry, but we hope you take away the message that being in a union as part of the international ITF family is the best way to protect yourself and your rights.

**Steve Cotton**  
ITF general secretary

# The ITF FOC campaign in numbers

## ITF inspections

(at time of going to press)

Total number of vessels inspected broken down into number without problems and number with problems.



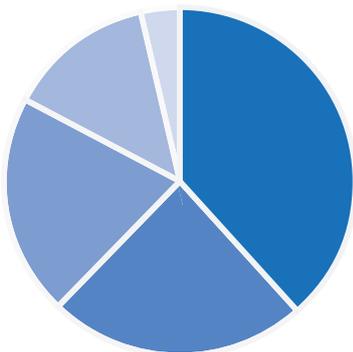
## Total backpay recovered

(at time of going to press)



## Top five problems by type found during ITF inspections

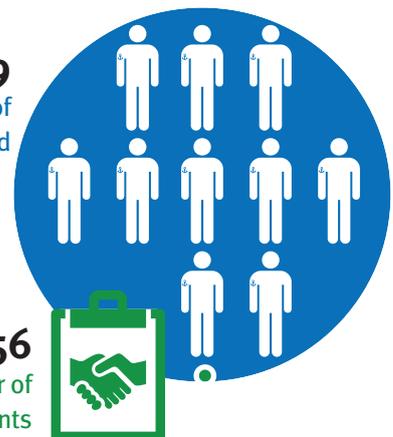
(at time of going to press)



## Vessels and seafarers covered by ITF agreements

(at time of going to press)

**309,909**  
 Total number of  
 Seafarers covered



**12,056**  
 Total number of  
 agreements



# Stories from the frontline



## Seafarer collapse shows risks of doing dockers' work

**ITF inspector Christian Roos witnessed a seafarer's near-fatal collapse from exhaustion that demonstrated the risks of seafarers doing dockers' jobs**

The crew were gathered on the *Elbfeeder* in early September 2016 to hear ITF inspectors in Belgium warn of the dangers of doing dockers' work, when the seafarer collapsed.

The inspectors immediately called 112 to get medical support and dockers from the terminal assisted with a defibrillator and other first aid. The paramedics who boarded the vessel praised these quick actions, which meant the man's life could be saved. After six days' hospital treatment he was repatriated home.

The crew said he'd been busy

for 28 hours, so we re-boarded to investigate. We discovered the crew had been obliged to carry out lashing work in a different country's port. Such actions mean crew have too little time to relax, enjoy shore leave and contact families, and routine tasks normally done during free time in port – such as laundry – have to be done before taking rest.

We found the *Elbfeeder* crew often worked 14-hour shifts, and each month they worked up to 100 hours more than the guaranteed overtime of 103 hours. Many were working a staggering 375 hours a month – in clear disregard of the MLC

standards on maximum working hours. Some were taking vitamins to avoid collapsing under this huge work pressure.

Computer programmes which commonly monitor working hour limits do not allow permanent breaches to be recorded – the record has to be corrected before the file can be saved. So they facilitate the manipulation of work and rest hours to comply with international standards.

Shockingly, the *Elbfeeder*'s management said they would bring a cadet on board to reduce the ratings' working hours. A cadet is meant to learn the job, not be used as cheap labour. ■



## Judge goes on board in crew's back wages claim

**Renialdo de Freitas, ITF inspector in Santos, Brazil witnessed an unprecedented move by a judge**

**The Turkish-owned, Malta-flagged Chem Violet chemical tanker and its cargo were arrested for non-payment of wages to its Turkish crew.**

When the stranded crew took their backpay claim to the labour court in Macaé, Brazil in July 2016, they expected a routine hearing. But Judge Claudio Victor de Castro Freitas surprised everyone.

He adjourned the hearing and decided that the full court must visit the vessel, which was moored in the Petrobras terminal, to better understand the crew's problems.

The judge inspected all the ship's facilities – galley, bridge,

engine room – alongside the crew, lawyers, port authorities, the police and the charterers. He then decided to continue the hearing on board in the captain's cabin.

The judge ordered charterer Petrobras to pay the crew and captain two months' owed wages – around USD100,000 – and repatriate them, which happened in July. He also directed that the crew should be paid the outstanding three months' wages plus moral damages – totalling around USD850,000 – from the sale of the vessel. The men await the next court hearing in November to learn when they will receive it. ■

## Escape from Ceuta

**ITF co-ordinator for Spain José Manuel Ortega describes an ongoing battle to recover owed wages**



**We were asked to assist the crew of a tug docked in the Spanish enclave of Ceuta on the North African coast.**

The Italian-owned, Portugal-flagged Independence had arrived in Ceuta in February 2016 with six Indonesian and two Ukrainian crew members. The shipowner was claiming financial difficulties and had not paid the men's wages for four months. The seafarers were desperate to go home and did not want to be stuck in Ceuta any longer.

The White Cross of Ceuta charity stepped in to provide daily fresh and cooked food, while the Red Cross provided medical assistance to crew members who were suffering from high blood pressure and stress.

In May, the crew finally disembarked. The Indonesian embassy in Spain handled the Indonesian seafarers' repatriation while the ITF organised the repatriation of the two Ukrainians.

The seafarers are still waiting to receive the approximately USD160,000 owed to them. The tug has been arrested and we hope that when the court decides to auction it, the crew will finally be paid. ■

## ITF supports unpaid crew on unsafe ship

**ITF inspector K Sreekumar was appalled to discover injured seafarers and unpaid crew on an unsafe ship**

# Crew abandoned in Chittagong

The ITF, local unions and welfare organisations are trying to resolve an abandoned crew's ordeal, reports Oleg Romanyuk, ITF inspectorate/seafarer support

The ITF learned on 30 September 2016 that the 18-strong Bangladeshi crew and four watchmen of the Fadl E Rabbi oil tanker had been abandoned by owner Eden Line Limited at Chittagong. They had little fresh water, barely any food and were owed five months' wages.

We immediately asked the director general of Bangladesh's shipping department to act, as the shipping office's suspension of sign off/on for the Panama-flagged ship had effectively made the crew hostages.

At a meeting on 5 October with the director of seamen's welfare, manning agents, trade unions and representatives of the vessel's management company, we learned that Eden Line had abandoned both the ship and the management

company. The only way to get the nearly USD128,000 owed wages was for the court to arrest and auction the vessel. The master and crew arrested the ship in the admiralty court on 10 October and awaits the court hearing.

The port authority delivered fresh water to the ship but said no further supplies were possible without payment. The ITF has advance funds to the crew for food and drinking water while they wait to disembark, be paid and repatriated.

The ITF and the International Chamber of Shipping are pursuing the case with the flag administration. The Panama Maritime Authority is now in contact with the port state to coordinate aid to the crew. The ITF has submitted a report on the abandonment to the ILO. ■

# Under fire in Yemen



Working in war-torn Yemen is difficult for seafarers and unions, says Mohamed Arrachedi, ITF inspector in Bilbao, Spain

When the Panama-flagged Najdiah oil tanker arrived at Makulla on 24 April 2016, the crew was caught up in a dispute between owners Prime Tankers LLC in Dubai and the cargo receiver.

Their passports were seized and four armed gunmen boarded the ship.

For two months, the 16 Indian seafarers endured a shortage of provisions, fresh water, fuel and medicines. They couldn't cook, had no air conditioning and were denied medical help. Fresh food supplied by the ITF or the Indian embassy didn't keep long because of electrical blackouts. And they could hear bombing nearby.

We put pressure on everyone involved with the vessel and achieved local media coverage. The Indian embassy and Yemeni civil society organisations provided medical help, and solidarity came from local ITF union the Labour Committee of Aden Container Terminal.

Eventually the company delivered fuel and provisions and paid the USD48,700 wages for March and April. The vessel was allowed alongside and seven crew members visited a doctor.

The Najdiah left port on 23 June. When it arrived in Hamariya in the United Arab Emirates, the company arranged payment of the full USD79,360 owed wages and organised the repatriation of 10 traumatised crew – although it deducted their travel costs. ■



When we boarded the Karaagac bulk carrier in Chennai, India in June 2016, we found that the 21 crew – from Georgia, India, Turkey and Ukraine – had not been paid for three months.

And the Turkish-owned, Panama-flagged ship had deficiencies in its ballast and water ingress systems, fire alarm, navigational equipment and rescue boat. The conditions clearly violated the Maritime Labour Convention 2006.

We were shocked when the

crew reported two incidents that had posed a threat to their lives and crew injuries while working onboard. The Karaagac had previously been arrested in Turkey over similar issues.

The Madras high court arrested the Karaagac after the ITF and the chaplain of the local sailors' society reported the deficiencies. It found that the crew were owed USD59,000 in wages.

Nine crew members were repatriated with their back wages paid (and replaced with

nine Indian seafarers) and all the crew were signed off. The remaining deficiencies were addressed, so the Karaagac left Chennai in September. When the vessel arrived in Salalah Oman port, we received new complaints from an Indian crew member, including non-payment of wages and several engine failures in mid-ocean. ■



## Winning for abandoned crew in UK

Ken Fleming, ITF UK and Ireland co-ordinator, shares how ITF inspectors helped the Indian crew of two ships left effectively abandoned in British ports



A routine ITF inspection in June 2016 of the Indian-owned and -flagged Malaviya Seven in Aberdeen, Scotland revealed that 15 crew members had not been paid for at least four months. A follow-up inspection of its sistership, the Malaviya Twenty, in Great Yarmouth, England found the same story. In total, more than USD250,000 was owed to current and former crew members.

We prepared to arrest the ships on the crews' behalf. We worked with the UK Maritime and Coastguard Agency to prevent both vessels from sailing until the wages were paid and other deficiencies dealt with.

Inspector Paul Keenan learnt that Malaviya Twenty crew members were taking out loans to maintain their families at home. He recovered the full USD180,000 owed to the 12 remaining crew, and nine seafarers were repatriated at

the end of August. He won most of the wages owed to the vessel's previous crew and hopes to secure the outstanding USD67,000 soon. The ship remains detained.

Inspector Liam Wilson helped the 15 Malaviya Seven crew recover their wages to the end of July, and five seafarers were repatriated. However, the crew was soon owed wages again and the vessel was detained on 5 October by the port state control authority. ■

## ITF welcomes Australia ban of ship that abandoned crew

ITF acting co-ordinator Matt Purcell welcomes the banning of the Five Star Fujian by the Australian Maritime Safety Authority from Australia's coast for 12 months after the 20-strong crew was stranded

The Chinese-owned and Hong Kong-flagged coal ship had been arrested in the Port of Gladstone, Queensland by the shipping broker for a USD38,000 debt but was freed because the broker didn't feed or pay the crew during his arrest attempt.

During the six-week standoff

from 19 July 2016, the crew had no provisions and were owed several months' wages.

Sarah Maguire, ITF inspector in Gladstone, worked closely with the authorities to get the provisions brought up to international standards. The Maritime Union of Australia helped us get media coverage to

add pressure on the authorities and the Queensland government to resolve the situation.

Even when they were being paid, we discovered the seafarers were receiving barely USD1.50 an hour, well below international standards.

The Australian ITF was

frustrated that our efforts to win permission for crew to be allowed shore leave were refused by the authorities and the shipowner's representatives, who had also denied our requests to board the vessel.

Eventually the crew were paid and the Five Star Fujian allowed to sail. ■

# First Ukraine seminar for seafarers

“Those who get on board the ship for the first time know very little about their rights. The seminar helped to understand what to do in situations of non-payment of wages, delay of disembarkation, unacceptable conditions on board the vessel.”

Dmitry Alifanov, Intresco

Oleg Grygoriuk, first vice chair of the Marine Transport Workers' Trade Union of Ukraine (MTWTU), was proud to host Ukraine's first union week



This was an ITF pilot project to inform seafarers about their rights, as Ukraine supplies many seafarers to the world's shipping industry. The ITF plans to roll the programme out to Russia, India and other countries.

The MTWTU has over 70,000 members, over half of them seafarers. We run a big social programme for our members and their families but our union week (31 May to 3 June 2016) in Odessa helped seafarers discuss the issues that are important to them.

Around 400 seafarers, cadets and other maritime industry

employees participated. They learned from the MTWTU and ITF inspectors about the importance of independent trade unions and the benefits of belonging to an international federation of trade unions. Hearing examples from overseas, such as the experience of building and strengthening IFOMS in Myanmar, taught us how important it is to be an active union member if you want to make your union stronger.

The seafarers had a chance to find out about the ITF's flags of convenience campaign, and to hear about crucial industry developments, such as the ILO

Maritime Labour Convention. They also learnt about what they should expect from the provisions of the ITF framework collective bargaining agreement in terms of wages. The inspectors taught them what to look out for to ensure they get the correct wages owing to them, and explained the ITF's individual seafarer's contract.

The seafarers found the seminars very useful and asked plenty of questions. We now hope they know how to use this knowledge about their rights.

Find out more about the MTWTU at [www.mtwtu.org.ua](http://www.mtwtu.org.ua). ■

# Independent Federation of Myanmar Seafarers leads the way on MLC

“It was refreshing to see representatives of crewing agents, the maritime administration and the IFOMS officials and members engaged in constructive dialogue over the MLC,” says Aung Kyaw Lin, general secretary of IFOMS, following an MLC seminar with some 40 participants in Yangon from 3-6 October 2016

The seminar was jointly organised by IFOMS (the Independent Federation of Myanmar Seafarers) and the ITF, and supported by the ILO (International Labour Organization).

It sought to familiarise IFOMS' executive board members, invited seafarers, crewing agents and representatives from the department of marine administration with the contents and mechanisms for implementing the convention.



The event was honoured by the presence of Tin Oo, patron and co-founder of the NLD (National League for Democracy), who confirmed the new government's interest in and commitment to the MLC, one of the first pieces of major international regulation it had ratified.

Particular attention was paid to the requirements governing the regulation of seafarers' recruitment and placement services, and the rights of seafarers under the convention.

While the debate was lively, all parties recognised the need to develop tripartite structures to ensure full and effective implementation of the MLC.

The IFOMS group intends to ensure that all the union's members have a well-developed understanding of the MLC's provisions. To this end they have published a Myanmar language translation of the ITF guide to the MLC for seafarers, which is available to download from the IFOMS website [www.ifoms.org](http://www.ifoms.org). ■



## IFOMS ends ship management's rip-off of crew

Bosun Min Thein was serving on the Panama-flagged Chembulk Westport. While he was chipping at one of the ballast tanks on 26 January 2016, the stage collapsed, breaking his wrist.

He was immediately sent to the local clinic in Yura, Japan and on 4 February was admitted to the Arida City Hospital and operated on straightaway. Following his hospital discharge on 17 February, Min returned to Yangon. He attended the SSC hospital there on 3 March for further treatment.

Min submitted all his medical receipts to the ship's management company, MTM MC-Yangon Ship Management Ltd. He hadn't received sick pay or wages and was told that compensation for his injury had already been transferred by the Japanese P&I Club.

Min complained to IFOMS on 31 March. The ITF's John Wood and inspector Shwe Tun Aung investigated. They discovered MTM had deducted Japanese Seafarers' Union (JSU) membership fees of USD40 a month from every member of crew, yet the vessel was not covered by a JSU agreement and had never paid its union dues.

The ITF demanded the return of the JSU dues to all the Myanmar seafarers. Min Thein received his outstanding wages, medical expenses and union dues in the presence of IFOMS general secretary Aung Kyaw Linn. In total USD6,314 was recovered for the crew.

## IFOMS' achievements in 2016 (to 30 September)

**Total cases** 65 – 22 ongoing

**Unpaid wages recovered** USD495,826

### Types of settled cases:

**Death** 3

**Injury** 5

**Wages, repatriation and broker fees** 29

# Maritime unions help seafarers in Algerian ports

The ITF-affiliated Algerian transport and port workers' federations (UGTA) have become increasingly active in supporting seafarers in difficulty in Algeria's ports. Berrama Seddik in Algiers and Meliani Abdellah in Oran – the recently-appointed ITF contacts overseeing this work – share two examples

Find out more about the UGTA at [www.ugta.dz](http://www.ugta.dz) and Egyptian Seafarers' Union at [www.egsunion.com](http://www.egsunion.com)



## Repatriation of stranded EOS crew

The National Federation of Transport Workers (NTF) received a call for help from the crew of the EOS.

The eight Egyptian and six Indian crew members found themselves hostage on board the Madeira-flagged vessel without pay, supplies or energy sources in the midst of a legal case. The court had ordered the preventive seizure of the EOS in the port of Djen Djen because the cargo owner claimed the bulk cement on board was deteriorating.

The NTF worked closely with the Federation of Port Workers to provide solidarity and support for the crew. Within 24 hours, we'd supplied the vessel with emergency supplies of water, food and other basic goods. It took a little longer to supply diesel.

The shipowner abdicated responsibility for the crew and judicial proceedings were long and complex. But our long campaign, in close co-operation with the ITF and the Egyptian Seafarers Union, deployed a lot of human and material resources and ended well. The seafarers were paid the USD152,500 wages they were owed and repatriated, and the vessel was released.



## Emergency rescue of Sea Honest crew

The Panama-flagged Sea Honest bulk carrier was carrying ballast and sailing from Mauritania to Istanbul with 20 crew members on board. It suffered several mechanical breakdowns at sea and along the Algerian coast. The captain was forced to send out an SOS.

The coastal state authorities launched a rescue operation, towed the vessel into Algiers port and brought the crew of 11 Turks and nine Ukrainians ashore. The seafarers thought their nightmare was over.

Sadly, it continued. The ship had no supplies or diesel and the crew were unpaid. ITF inspector Mohammed Arrachedi alerted the ITF contact in Algiers, who went on board to meet the demoralised crew and assess their needs. We persuaded the Algerian authorities to intervene and this forced the Turkish shipowner to accept responsibility for supplying the vessel, paying the wages and repatriating the crew.

## Seafarers' centre dedicated to Tony Sacco

The Charleston Port and Seafarers' Society board members and volunteers have dedicated their seafarers' centre to Tony Sacco, who died suddenly in March 2016

The Tony Sacco Seafarers' Center commemorates Tony, who was a seafarer before serving as an ITF inspector in the Charleston region for the past 14 years.

Fr Len Williams, who presided over the dedication ceremony on 12 October, said Tony had won the hearts of the society's

members through his exemplary service as an ITF inspector. The society said much of what it had accomplished was due to the Seafarers International Union and to the ITF's leadership and financial assistance, much of which was realised by Tony's efforts.

SIU president and Tony's father

Michael Sacco spoke about Tony's life and said the naming of the centre was a great honour to his family.

Speaking at the event, ITF inspectorate co-ordinator Steve Trowsdale expressed the ITF family's gratitude to Tony and said countless seafarers owed him a debt of gratitude for his

dedication to them. The ITF was also represented by Dave Heindel, chair of the ITF seafarers' section, and ITF East Coast co-ordinator Ricky Esopa.

The centre also announced a new Tony Sacco Memorial Scholarship, which will be awarded to a local college student in spring 2017. ■



# National maritime jobs matter

Cabotage ensures that a nation's domestic maritime commerce is reserved for its own citizens, helping retain skilled workers and decent jobs which can sustain the future of the country's maritime industry. It's in operation in 47 countries but is under threat in many from profit-chasing shipowners and from current international trade talks. Seafarers' Bulletin takes a closer look



# Nations need seafaring skills

**Governments can – and should – do more to protect their national maritime skills and jobs for the good of their countries, and to stop the social dumping which undercuts workers' standards. Steve Yandell – ITF senior section assistant, seafarers, fisheries and inland navigation – explains**

**Seafarers are vital for a thriving maritime industry which drives essential economic growth and underpins a country's independence and security.**

While global businesses chase greater profits by moving their operations in search of lower wages and lighter regulation, likewise national seafarers have been replaced by crews from countries with lower wages, under contracts with poorer employment conditions.

That's why the ITF and its unions are fighting for jobs and skills to be protected by national government policies. They focus on three main fronts: developing a maritime skills base; maritime safety and environmental protection, including increasing sea transport of cargo; and defence and homeland security.

Seafarer skills are needed to underpin service at sea, coastal shipping and shore-based maritime services – including port infrastructure and services. They can help a country develop high-end maritime products and services, shipbuilding or engineering.

Many countries in Africa are struggling to retain national fleets and seafarers. Nigeria's domestic shipping sector has been overtaken by foreign shipping companies, resulting in significant job losses for Nigerian seafarers – partly because the government has not used cabotage rules to protect it.

Governments can work with the private sector to provide investment for local firms to compete with large international shipowners. In Nigeria, such support could significantly improve opportunities to export solid minerals, fish and marine products.

In Australia, the long campaign by the Maritime Union of Australia and others to halt the long-term decline in the national fleet achieved victory in 2012. The Labor government agreed to introduce legislation to regulate the domestic shipping industry, support Australian-flagged ships, give Australian General Licence ships priority over flags of convenience and provide training support. Unfortunately, the union has been forced to defend these gains, following the election of a new and hostile government in 2013, but has enjoyed a recent legal triumph (see page 8).

In Norway, work by unions and shipowners to promote maritime skills led to the creation of the Norwegian Maritime Competence Foundation in 2003. The levy paid by participating companies is used to promote the training and recruitment of Norwegian seafarers.

The United States has the protection of the Jones Act (see box below) but this is constantly under attack by politicians. American seafarer unions work with the wider maritime industry to reinforce the case for a strong, self-sufficient domestic industry.

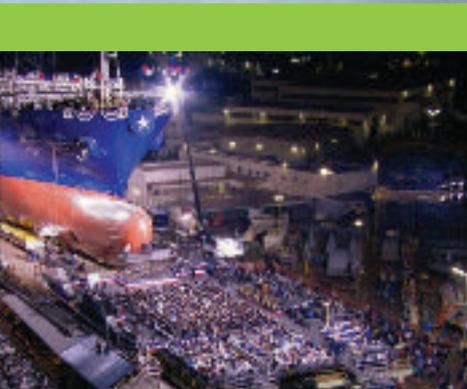
Unions are fighting hard to retain agreed national pay and conditions and effective regulation of coastal shipping. This is vital to protect seafarers and to deter shipowners from adopting poor employment practices and driving a race to the bottom without concern for the wider implications.

Abdulgani Serang, general secretary-cum-treasurer of the Indian union NUSI, explains that cabotage in different regions of the world has a radically different profile. In developed economies with high costs and high wages, it may be the only possibility to retain a maritime workforce to feed into the country's maritime economy. In such cases it's vital to protect those jobs for national seafarers.

But in other countries, such as India or the Philippines, seafarers' preferences are driven by good conditions and salary, which normally means working in international shipping. For them, national flag vessels, while an essential part of the economy, may not be the first choice if there are better options. Here the focus for unions must be on robust regulation for decent terms and conditions. ■

## The Jones Act in the US

The Jones Act is the federal statute that controls coastal trade within the United States of America and determines which ships may lawfully engage in that trade and the rules under which they must operate. Generally, it prohibits any foreign-built or foreign-flagged vessel from engaging in coastal trade within the USA.



# Fighting social dumping in Brazil

Carlos Müller from SINDMAR (Sindicato Nacional dos Oficiais da Marinha Mercante) describes the struggle to ensure the participation of Brazilian workers in their national domestic maritime commerce



**The future of Brazil's maritime industry depends on retaining national skilled workers and decent jobs and providing maritime education for young people wanting to join the industry.**

Lobbying on these grounds by SINDMAR and other members of the CONTTMAF union confederation has resulted in regulations that specify a certain proportion of Brazilian seafarers being employed in Brazilian territorial waters.

But any reservation of cabotage and offshore jobs for national workers is continually threatened by shipowners and their allies. The few huge carriers who dominate world shipping prefer to hire seafarers on lower conditions than Brazilians can accept.

In Brazil, most seafarer employers are international shipping companies with representatives or subsidiary companies in the country. Transpetro, a transport subsidiary of Petrobras, is different as it is the last big Brazilian flag company owned by the state.

CONTTMAF seafarers' unions were in dispute with Transpetro for 10 months over two issues – an employment warranty for Brazilian seafarers, and discriminatory practices against maritime workers that potentially undermined the national flag identity of Transpetro's offshore and cabotage fleet. More recently, the hiring by Petrobras of some tankers and offshore vessels whose owners frequently fail to comply with Brazilian legislation gave unions another struggle against social dumping.

In 2016 we signed a collective agreement with Transpetro after Brazil's higher labour court held conciliation hearings. CONTTMAF had alerted the court to Transpetro's efforts to break the workers' strike through threats to crew and anti-union actions after it failed to block the strike though legal means.

At the end of the fight with Transpetro, Brazilian seafarers won everything they had fought for – thanks to their close identification with their unions and their support for the collective fight. ■



## Australian offshore workers breathe sigh of relief

Attempts by the Australian government to give unfettered work rights to non-Australian workers in the offshore industry were defeated by the country's high court on 31 August 2016

**"This is a great victory for the protection of workers' rights in the offshore industry all over the world."**

ITF maritime co-ordinator  
Jacqueline Smith

The court's unanimous decision followed a case brought by the Maritime Union of Australia (MUA) and Australian Maritime Officers Union (AMOU).

The ruling overturned the decision by the immigration minister, Peter Dutton, in December 2015 to exempt workers on vessels in the multi-billion dollar offshore oil

and gas industry from domestic visa requirements.

Welcoming the ruling, ITF president and MUA national secretary Paddy Crumlin said:

# Keeping up Canadian standards

A significant legal success means the future looks better for Canadian seafarers working in the nation's waters



**“TiSA and CETA are a threat to all that trade unions hold dear – secure, safe and worthwhile jobs and the preservation of essential and hard fought standards. No one should be surprised that we have pledged to... continue the fight against them.”**

ITF president Paddy Crumlin

The SIU discovered through a leaked email in 2015 that Canadian cabotage was to be opened to EU companies under the maritime provisions of CETA (the Comprehensive Economic and Trade Agreement between the EU and Canada).

Cabotage is covered under the Canadian Coasting Trade Act, which states that any cargo or passengers transported between Canadian ports be carried on Canada-flagged vessels and crewed by Canadian citizens.

CETA would seriously

undermine this protection. It would allow EU and some EU-owned flag of convenience vessels to transport cargo between Halifax and Montreal and move empty containers within Canada. And it would open dredging contracts and some feeder services to foreign vessels.

During 2014 and 2015, hundreds of vessels were brought into Canada under a waiver system, which allowed non-Canadian flag vessels to carry out cabotage when no Canadian vessel was available. The SIU discovered that those crew were not allowed to work in Canada without temporary foreign work permits. Under Canadian law, these permits cannot be issued if there are Canadians available to do the work. And there were. Hundreds of them.

This was the union's big chance to stop the effects of CETA, should it be ratified. If a foreign vessel was allowed to trade in Canada under CETA, how could jobs be maintained for Canadians? The SIU focused

on this issue of work permits, and forced the government to follow the law.

In 2015, the union filed lawsuits against the federal government over illegally issuing work permits to foreign crew members on three flag of convenience oil tankers engaged in shipping in Canada – the Marshall Islands-flagged New England, the Cyprus-flagged Sparto and the Greek-flagged Amalthea.

In July 2016, in the case of the New England, the SIU was the first union in Canada to receive federal court orders granting a judicial review in connection with work permits issued to foreign workers, and setting the permits aside. As a result, SIU members are for the first time manning foreign flag vessels operating under a waiver.

There's still a long way to go. But a more sympathetic national government is giving the SIU a stronger voice in shaping policy. It now hopes to protect cabotage without having to resort to legal action. ■

“Bringing in often exploited foreign workers is a dangerous attack on the rights and safe working conditions of seafarers, regardless of their nationality... The offshore industry in any country's territory must be the domain of the national workforce, as it involves the development of that country's sovereign and public wealth.” ■

## Cabotage under threat from international trade talks

The ITF campaigns to protect cabotage from international trade talks that threaten to seriously undermine the protection of national maritime skills and jobs.

The **Transatlantic Trade and Investment Partnership (TTIP)** is a series of negotiations between the European Union (EU) and US to reduce regulatory barriers to trade.

The **Trade in Services Agreement (TiSA)** is an international trade treaty being negotiated between 23 parties, including the EU and the US. The ITF fears the agreement would undo years of rules developed in shipping, as it could open the transport of national cargo to FOC ships and lead to serious environmental and safety concerns. It argues that TiSA is also a threat to established agencies such as the ILO and the IMO which oversee global labour technical and safety standards in maritime transport.

The **Comprehensive Economic and Trade Agreement (CETA)** has made a serious inroad into Canadian maritime cabotage, as it opens the carriage by EU feeder ships (including EU-owned vessels flying the flag of a third country, which could be a flag of convenience) of what would be classed as national cargo between Halifax and Montreal. It is also suggested that Canadian owners should be able to compete on an equal basis, which would mean their flagging out and using an overseas crew.

# Threats at sea

Seafarers' Bulletin shares two recent reports from specialist maritime consulting group Gray Page that offer insights into the threats of piracy and stowaways

## Beware stowaways in South Africa

If your vessel is heading for South Africa, take special care to avoid becoming a victim of 'professional stowaways'



Traditionally, stowaways board a ship to gain free passage from one part of the world to another. But evidence from South Africa suggests the emergence of a new class of professional stowaway with quite different goals.

The discovery of a stowaway can usually be resolved fairly

quickly by good co-operation between a ship operator, port authorities and local officials. But since 2014 in South Africa, the prospects of a swift resolution have decreased and the potential costs to a shipping company have spiralled.

Anyone who boards a vessel in port is treated as a trespasser and will be removed from the ship to face a probable judicial slap on the wrist – as long as the individual can prove beyond doubt that they are a South African citizen, or have a legal right to be in South Africa.

Where this cannot be proved, the authorities regard the individual as a stowaway. A stowaway cannot disembark

until the shipping company has arrangements in place to have them repatriated within 24 hours. This usually means tickets for the flight home and a security escort of up to two people to see them to the airport departure gate.

If the stowaway is non-compliant, the airline may not let them board the flight. So difficult behaviour could mean missed flights, extended stays in custody and new flight bookings – all at the shipping company's expense. This could amount to USD10,000 or much more.

The authorities' logic seems to be that without documents to prove that an individual has been in South Africa legally,

## Tackling piracy at sea needs stability on land

Piracy and armed robbery at sea have fallen to their lowest levels in over 20 years, but it's a mixed geographic picture

The first six months of 2016 saw a decline in both piracy and armed robbery at sea, largely due to successful international intervention and regional co-operation.

Two former piracy 'hotspots', the Somali Basin and the Strait of Malacca, have continued to see fewer attacks on shipping. In Somalia this follows the deployment of multinational

naval patrols and increased onboard security measures by commercial shipping. In the Strait of Malacca, Singapore, Malaysia and Indonesia have co-operated to deny pirates safe haven.

But it's different elsewhere. Off Nigeria, in the Gulf of Guinea, hijacks for cargo theft have reduced but marine kidnaps for ransom have increased. As the

Nigerian government continues to tackle ethnic and religious tensions while trying to reform its corrupt petroleum-based economy, the resulting unrest and growing security vacuum have allowed pirate gangs to operate largely unmolested.

Similarly, the start of hijacking vessels and seizing crews by the Islamist militant group Abu Sayyaf off the southern

Philippines can be linked to an absence of government control onshore. Three attacks in 2016 triggered a suspension of coal shipments to the Philippines, and there are fears that more attacks will further degrade security.

Malaysia, Indonesia, and the Philippines have promised to work together to counter the threat but without a strong land-

they can be assumed to have boarded the vessel before it entered the country's waters.

The result is professional stowaways – gangs or individuals who discard their documents and board vessels, not for free passage out of South Africa but as a means to extract money from ship operators in return for leaving quickly and quietly. ■

### Advice to prevent stowaways boarding your ship

Ship operators should ensure that their vessels are secure while they are in port:

- Maintain a watch around the clock
- Don't let anyone on board without a port permit and ISPS clearance
- Employ private security guards to patrol the quay-side of the ship and provide access control at the bottom of the gangway, shore-side
- Use strategically placed CCTV cameras – these could help you prove exactly where and when a stowaway boarded
- Keep security tight at the gangway and mooring ropes

based military presence in the southern Philippines, maritime security efforts are likely to be ineffective.

The instability on these coasts is unlikely to be reversed soon as the trade routes are not significant enough to secure international protection. And proceeds from kidnappings and criminal activity increasingly support a sub-economy.



## PIRACY THE LAND BASED PROBLEM

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### NIGERIA / GULF OF GUINEA

Land based security situation



13<sup>th</sup>

most fragile state worldwide

FRAGILE STATES INDEX (FSI) RANK 2016

9.7

Very high

FSI SECURITY APPARATUS [FAILURE OF]

6.5

Medium

FSI EXTERNAL INTERVENTION [LEVEL OF]



INDEX TREND OVER PAST FIVE YEARS

Maritime



1

KIDNAP / HIJACK FOR RANSOM [JAN-JUNE 2016]

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### PHILIPPINES / SULU SEA

Land based security situation



54<sup>th</sup>

most fragile state worldwide

FRAGILE STATES INDEX (FSI) RANK 2016

9.4

Very high

FSI SECURITY APPARATUS [FAILURE OF]

6.6

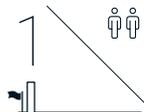
Medium

FSI EXTERNAL INTERVENTION [LEVEL OF]



INDEX TREND OVER PAST FIVE YEARS

Maritime



1

KIDNAP / HIJACK FOR RANSOM [JAN-JUNE 2016]

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### SOMALIA

Land based security situation



1<sup>st</sup>

most fragile state worldwide

FRAGILE STATES INDEX (FSI) RANK 2016

9.7

Very high

FSI SECURITY APPARATUS [FAILURE OF]

9.5

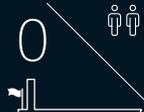
Very high

FSI EXTERNAL INTERVENTION [LEVEL OF]



INDEX TREND OVER PAST FIVE YEARS

Maritime



0

KIDNAP / HIJACK FOR RANSOM [JAN-JUNE 2016]

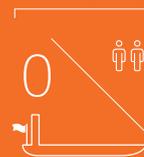
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### MALACCA STRAITS

Land based security situation

	FRAGILE STATES INDEX (FSI) RANK 2016	FSI SECURITY APPARATUS [FAILURE OF]	FSI EXTERNAL INTERVENTION [LEVEL OF]	INDEX TREND OVER PAST FIVE YEARS
<b>SINGAPORE</b>	161 <sup>st</sup> out of 178	1.7 Very low	1.4 Very low	
<b>MALAYSIA</b>	115 <sup>th</sup> out of 178	6.5 Medium	4.0 Low	
<b>INDONESIA</b>	86 <sup>th</sup> out of 178	5.9 Medium	5.4 Medium	

Maritime



0

KIDNAP / HIJACK FOR RANSOM [JAN-JUNE 2016]

Defeating piracy is a long-term project. Somali-based piracy has only been held in check. The root of the problem – the country's conflict and instability – hasn't gone away. For states like Somalia that struggle to impose their authority and have limited resources to tackle poverty, the battle is likely to continue. While lawlessness on land continues, the potential for piracy will remain. ■

**Gray Page is a specialist maritime consulting group that solves problems around the world for organisations operating in the international shipping market.**

[www.graypage.com](http://www.graypage.com)

# Navigating youth and women into unions

Meet Cinthia Magali Díaz, a pioneering navigation officer who was recently elected as ITF inland navigation section youth representative. She's 25, from Buenos Aires, Argentina, and is on the executive committee of her union, the Centro de Patrones y Oficiales Fluviales, de Pesca y de Cabotaje Marítimo

“Being on board is a big adventure – it’s like a large family home.”

Cinthia Magali Díaz



## What attracted you to inland navigation?

I was 14 when I began training as a merchant navy navigation officer at the national navigation school. My grandfather was a navigator in the Argentinian Navy and I was excited about working on boats and training at an institution that was academically demanding and taught interesting new subjects.

**Tell us about your job.** As navigation officer, I'm in charge of the navigation bridge, as part of a team that includes the first officer and the captain. I'm responsible for steering and manoeuvring vessels, the administration and supervision of cargo and crew documentation, and managing the safety and life-saving systems.

I navigate along the River Paraná and its tributaries. Its many bends and narrow stretches require constant communication with other boats.

**How did you get involved in your union?** In Argentina, women began to work in

inland navigation in 2008. I graduated in 2009 and was one of the third group of female graduates from the national navigation school to start work in inland navigation.

There was no women's representative in the union and my female colleagues and I felt very responsible for encouraging future women into the profession. In 2012, I was elected women's representative and in 2013 I became the first woman to sit on the central executive committee.

**What would you like to achieve as youth representative?** I would like young people, especially women, to be more involved in inland transport. I want to be there for them, to listen to what they say, to know more about their lives, and to encourage them to join the struggle and defend their rights. Together we need to organise campaigns, stay in close touch and extend solidarity at times of conflict. We must also show the importance of navigating rivers and the transport benefits that rivers provide.

## How can we get young workers to be active in their unions?

Young people ask questions and want to change things. The best way to achieve change is by getting involved. Unions need young people and must have a concrete way of listening to and involving them. Institutions should make available the tools necessary to allow young men and women to acquire leadership skills to ensure the long-term growth of the union.

I would encourage young workers by saying that listening to different points of view, sharing experiences with colleagues in other parts of the world, growing together, is very enriching and motivating. We are sometimes surprised that our situations are similar, despite the distance between us.

**And finally, how do you spend your free time?** I like to read, especially Greek and Roman literature, and play sports. ■

Your eight-page pullout guide

# YOUR ITF GUIDE TO GETTING HELP



## How to find a seafarers' union or an ITF inspector

Your first point of contact should be your union – if you are not a member, find out how to join one. If you need help straight away, or if you're a union member having difficulty getting hold of your union, contact an ITF inspector – all contact details can be found in this guide.

You can check ITF-affiliated unions on [www.itfseafarers.org](http://www.itfseafarers.org) – click the tab Find an Inspector or Union.

If you have a mobile phone or tablet download your FREE ITF Seafarers app now at [www.itfseafarers.org/seafarer-apps.cfm](http://www.itfseafarers.org/seafarer-apps.cfm)

- Find contact details for the nearest ITF inspector, co-ordinator or union
- Look up a ship and check conditions on board before you sign on
- Contact the ITF Helpline directly
- Check that your hours of rest are in line with regulations

Download a free QR code on your SmartPhone and then scan this code.



Available on



## How to contact the ITF

The ITF runs a 24 hour global support line. The people answering your calls are multilingual and trained to deal with your issues. They will provide initial advice

and refer problems and queries to the best ITF resource – an inspector for example, or ITF head office.

In office hours you can contact ITF London on +44 (0) 20 7940 9287  
ITF Helpline (24 hours):  
+44 (0) 20 7940 9280  
SMS Textline +44 (0)7950 081459  
Email [seafsupport@itf.org.uk](mailto:seafsupport@itf.org.uk)

## Before you call

Have the relevant information ready using the following checklist:

### About you

- Name
- Position on board
- Nationality
- Contact details

### About the ship

- Name
- Flag
- IMO number
- Current location
- Number of crew and nationality

### About the problem

- Describe the problem
- How long have you been on board?
- Are all the crew experiencing the same problem?

## Seafarers' centres

Seafarers' centres provide advice, someone to talk to, facilities to contact home and a place where you can relax away from the ship.

To find a seafarers' centre near you download the FREE Shoreleave app at:

[www.itfseafarers.org/seafarer-apps.cfm](http://www.itfseafarers.org/seafarer-apps.cfm)

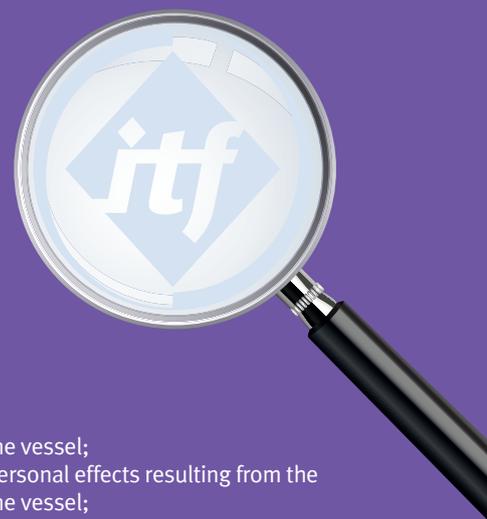
Available on   

## Getting hired Crewing agents

The Maritime Labour Convention says that private crewing agencies must be regulated. It prohibits: the charging of fees to seafarers for finding positions on board; the making of illegal deductions from wages; and the practice of blacklisting individuals. Shipowners must make sure the crewing agents they use meet these standards. For more information on how to identify a good agent, see page 8 of this guide.

## Before you sign a contract ITF advice on your contract to work at sea

The best guarantee of proper conditions of employment at sea is to only 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 Organization (ILO) 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.
- Check that your contract states that you are entitled to the costs of your **repatriation**. Never sign a contract that contains any clause stating that you are responsible for paying any portion of 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:
  - sickness or injury during the contractual period;
  - death (amount payable to 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 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**.

To find out if your ship is covered by a ITF-approved agreement, go to [itf.seafarers.org](http://itf.seafarers.org) and click the tab 'Look Up a Ship'.

Use the new ITF Seafarer App for mobiles and tablets to look up a ship:  
[www.itfseafarers.org/seafarer-apps.cfm](http://www.itfseafarers.org/seafarer-apps.cfm)

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# Helping seafarers around the world



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# 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.**

**Contact the local representative of the ITF for guidance. 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 take any action. Working together, we can win the battle for justice and basic rights.**

## Maritime accidents

There are international guidelines to ensure seafarers are treated fairly if their ship is involved in a maritime accident – whether by the shipowners, the port, the coastal state, the flag state or their own country's laws. Here are your rights if this happens to you:

- You have the right to a lawyer. Ask for one before answering any questions or making any statements, since these could be used against you in any future legal case.
- You must be able to understand what's being said – ask the authorities to stop the questioning if you don't understand. If you have difficulties because of the language being used, ask for an interpreter.
- Your company has an obligation to assist you – contact your company and/or union for advice and assistance.

More information at: [www.itfseafarers.org/your\\_legal\\_rights.cfm](http://www.itfseafarers.org/your_legal_rights.cfm)

# Manning agents, crewing companies, recruitment and placement services... How do you identify a good one?

**All seafarers have a right to an efficient and well-regulated system of recruitment and placement**

Unless you're fortunate enough to have skills that are in high demand and get head-hunted, most people have to compete with others to get a job and want to make the best impression.

But take a moment to check out the agency that's doing the recruitment. There's a world of difference between fly-by-night agencies and properly managed businesses that provide a service for shipowners while genuinely looking after the seafarers on their books. Signing on with an irresponsible agent can have

disastrous consequences if things go wrong while you're at sea.

**Under no circumstances can agencies:**

- *Keep blacklists*
- *Charge seafarers for placements or any other unjustified fees*
- *Make unjustified deductions from your wages*

**All private agencies must:**

- *Keep an up-to-date register of seafarers*
- *Make sure you understand your employment contract, explaining your rights and duties, including any company-specific policies*

- *Check that your contract is compliant with any relevant CBA or regulation*
- *Give you a copy of your signed contract*
- *Check that you have the right qualifications for the job*
- *Make sure that the company you're going to work for is financially stable and not likely to leave you stranded overseas*
- *Have a functioning complaints procedure*
- *Have some sort of insurance to protect you from monetary losses in the event that the shipowner doesn't meet their obligations to you*

**Ask yourself the following questions:**

- *Is the agency licensed under national law?*
- *Does this agency have good relations with good companies and with ITF-affiliated unions?*
- *Do they act in a confidential manner when dealing with your personal data?*
- *Are they knowledgeable about the industry, including relevant maritime regulation around training, certification and labour standards?*

**Remember that keeping blacklists and charging fees to seafarers for placements, or any other unjustified charges, is forbidden by the Maritime Labour Convention, 2006. Shipowners have to make sure that they use compliant services.**

**If you've been exploited in this way, you can make a complaint to port state control in any country that has ratified the convention, or contact your union or an ITF inspector.**

Emotional stress and psychological distress are common but often very hard to talk about. It can be difficult to know where to turn for help if things build up to the point where you feel depressed or even suicidal. Seafarers' Bulletin looks at why this is a particular issue for seafarers and sees what support is available to you

## Better internet access crucial to seafarer mental health

As the ITF Seafarers' Trust embarks on a major project to help seafarers' mental health and wellbeing, its head, Kimberly Karlshoej, says long sea voyages may be a risk factor in seafarer depression and suicide

It is notoriously difficult to understand the scale of the problem, both because it is hard to properly reach seafarers and because depression and suicide are very hard subjects to talk about. For years, surveys and studies have thrown up widely differing results.

For example, an ITF survey of seafarers in 2015 found that between six out of 100 and 41 out of 122 respondents (depending on country) knew colleagues who had considered suicide. Meanwhile the International Chamber of Shipping Manpower Report the same year found that a clear majority of its sample population were 'satisfied', 'happy' and 'very happy' when asked about their levels of satisfaction.

Some surveys find high levels of reported stress and anxiety; others find good overall health and wellbeing. There are different findings about suicides and stress broken down by rank – one found that almost 90 percent of seafarer suicides between the late 1970s and early 2000s occurred among ratings and catering crew; others have found the highest levels of stress among officers.

These wide variations in findings prompted the Trust to carry out a thorough analysis of several studies and surveys, to see if we could get closer to the heart of the matter. Our findings will shape our work over the coming years.

Our analysis has found that most seafarer suicides happen on large deep sea ships – one report said they accounted for 87 percent of registered seafarer suicides between 1976 and 2002.

This would suggest that being at sea for weeks or months in isolated social and working conditions and away from families might be the key risk to mental health and wellbeing for seafarers. And it would also appear to highlight the need for better internet access and connectivity on board – something which the Trust is already acting on, with its mobile Wi-Fi project, which aims to improve connectivity aboard ships while they are in port.

The Trust is developing a global strategy to promote positive mental health and to tackle social isolation, depression and suicide among seafarers. This will help us to provide up-to-date, innovative and evidence-based mental health promotion and wellness programmes, as well as services that facilitate readiness to change and promote lifelong healthy behaviours and lifestyles.

These programmes and services can assist in improving the mental health of seafarers while at sea and at home. And they can directly reduce the instances and negative impact of social isolation, depression, and suicide. ■

### Issues you may need help with

- Suicide prevention and dealing with suicidal feelings
- Anger management
- Substance abuse
- Anxiety and depression
- Relationship breakdown
- Problem gambling
- Dealing with grief
- Social isolation
- Managing your financial issues
- Workplace issues such as bullying and harassment

See '10 top tips for wellbeing' from the Seafarers' Trust on page 29



## Looking after your mental health

Gavin Kelso, chief executive officer of employee assistance provider Hunterlink National, explains how his organisation supports and assists seafarers' mental health and wellbeing in ports throughout Australia

**If you're a seafarer experiencing emotional or psychological distress, we have a team of specialist maritime counsellors to support you, through individual, one-to-one counselling. We take calls in the middle of the night because we know there's no convenient time to have a crisis.**

We also provide training for seafarers in how to maintain or strengthen your mental health resilience. We have a wealth of mental health resources to help you, some of which you can see on these pages.

When there's been a maritime accident, a death at sea or other critical incidents, Hunterlink also supports crews by flying our counsellors to you.

Perhaps less widely known is our Hunterlink Global network. This provides support and

assistance to seafarers of all nationalities whenever they are in Australian waters and experiencing emotional or psychological issues.

We carefully navigate cultural differences and deal with each client in a culturally sensitive manner. But despite apparent cultural differences, there are certain universal similarities that transcend all borders and cultures and backgrounds.

For all seafarers who often work far away from home for many

weeks at a time we understand the stresses you face, such as missing partners and family and being homesick. It can be very difficult and sad when you have to miss a developmental milestone with young children – perhaps when they take their first steps or start school. Perhaps you are upset that you cannot support your loved ones when they are unhappy or ill, or that you are unable to attend a family funeral. ■

### Sources of free, confidential help if you are feeling depressed or suicidal

In Australia: the Hunterlink helpline. Call 1800 554 654. Open 24 hours a day, 7 days a week, 365 days a year  
In the UK and Ireland: the Samaritans – call 116 123. Open 24 hours a day, 7 days a week, 365 days a year  
Befrienders Worldwide – visit [www.befrienders.org](http://www.befrienders.org) to find the helpline details in the country you're in

## Case study

### Supporting crew after death at sea

One example of a critical incident Hunterlink Global recently attended to was the death of a Ukrainian seafarer in North Queensland in Australia.

The seafarer was a popular crew member on a bulk carrier with part Ukrainian crew. The crew member died while on board of an apparent heart attack. Hunterlink responded immediately by sending a senior counsellor to support the crew, who were distressed.

Most seafarers working in the international maritime industry will be aware of the reserved and often stoic reputation Ukrainian crews have earned. They are admired as being resilient, self-contained and tough. Yet the death of a close work colleague still traumatises everyone on board from the captain down the line.

In this case, we successfully provided grief counselling and debriefing to every crew member on board, and connected with the crew by sharing stories of home and family.

We also gave the crew information about their rights. We explained that, irrespective of what country or whatever the position of the employee involved, all seafarers have a right to emotional and psychological support without delay while in a port of call.

Hunterlink also provided ongoing support to members of the crew – it is this successful connection with traumatised international maritime crews that sets Hunterlink apart from generalist support services.

**HIV/Aids awareness**

- Check basic HIV/AIDS facts or get answers to specific questions.
- Find details of your nearest medical testing centre.

Download your **FREE ITF HIV awareness app** now at: [www.itfseafarers.org/seafarer-apps.cfm](http://www.itfseafarers.org/seafarer-apps.cfm)

Find out more about us at: [www.itfglobal.org](http://www.itfglobal.org)

Available on:

HOME

ITF

ITF NEW 0.1.1 (10/16/16)

- BASIC FACTS
- MYTHS
- WORKING POSITIVELY
- KNOW YOUR STATUS
- ASK US A QUESTION

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

## Get HIV/AIDS information in new wellbeing app

You can now easily access up-to-date information and guidance about HIV/AIDS on your mobile devices, thanks to a new wellbeing app launched by the ITF in July. ITF global HIV/AIDS and wellbeing programme co-ordinator Asif Altaf explains more

You can get the free app for both Android and iOS devices. It provides the basic facts on HIV/AIDS – how it’s transmitted, what the symptoms are, how you can prevent being infected and what treatment is available.

It also gives examples of workers who have challenged the stigma around the disease, and sets out what international and national rights a HIV-positive worker has.

Additionally, 12 ‘myth busters’ separate the facts from the fiction about the disease. For example, many people believe that a person with HIV can no longer work. The app explains that this is false – that an HIV positive person is as qualified as anyone else for any type of employment. Being infected with the virus does not alter one’s capacity to function as well as everyone else.

ITF maritime co-ordinator Jacqueline Smith says: “Seafarers – like many transport workers – are particularly vulnerable to HIV/AIDS. We hope this app will help you understand more about the disease and be able to find information quickly and easily, whether you’re at sea, in port or at home. We want to help you keep yourselves and your families safe.”

Other wellbeing issues will be added to the app in time. ■

Download the free ITF wellbeing app from [www.itfseafarers.org](http://www.itfseafarers.org)  
Learn more about ITF unions’ World AIDS Day activities [www.hivprevention2016.org](http://www.hivprevention2016.org)



# The secretive world of flags of convenience

The disclosure of the Panama Papers revealed widespread use of offshore tax havens by powerful corporations to hide their wealth. But shipowners have been using flags of convenience (FOCs) for years to get round labour, safety and financial standards and regulations. Three writers explain why this really matters to seafarers

# Shining a light on flags of convenience

Most individuals and businesses pay their taxes but FOCs and many big corporations exploit every opportunity to limit the taxes they pay, reports Steve Yandell, ITF senior section assistant, seafarers, fisheries and inland navigation

**For decades FOCs have been attracting shipowners with their minimal regulation and low taxation regimes.**

Countries too compete to offer lower tax rates to attract major companies and financial providers, and some enable those businesses to escape normal forms of financial regulation. In the UK the British Overseas Territories have sometimes performed this role, while in the UK shipping world many Red Ensign Group shipping registers have attracted shipowners seeking low tax and low regulation.

It's estimated that there is up to USD32 trillion in financial assets offshore, and this sum is growing. Most transnational companies have affiliates in offshore tax havens, and their wealth enables them to use the best accountants and tax advisors to find ways around the international tax system. It's little wonder that, according to research by the International Trade Union Confederation, just 50 companies hold a combined wealth equivalent to that of 100 nations.

Shell companies are often used by big corporations to hide money from the tax authorities or transfer money illegally between companies and states. This massive level of corporate tax avoidance has significant implications for the ability of governments to raise enough

money to fund essential public services ordinary people rely on.

A series of tax treaties governs the vital exchange of information where an income-generating business in one location is owned by a resident from another country, so that the resident's tax authority can assess tax liabilities in relation to the assets and income of the business abroad. However, the tax agreements are not obligatory and many countries choose not to exchange information freely.

The publication of the Panama Papers in April 2016 have added pressure for change. Shortly after their publication, the European Union's five largest economies – Germany, France, Spain, Italy and the UK – announced a new agreement to share the beneficial ownership of businesses and trusts. This means we will know more about the real ownership of companies in these countries.

Many flag of convenience countries are secretive and design their business affairs to minimise regulation and taxation.

Take Liberia. Its ship and corporate registry is administered by the Liberian International Ship & Corporate Registry (LISCR), a wholly US-owned and -operated company. LISCR – which boasts of being a global pioneer

in offshore corporate services – has its headquarters in Virginia, USA, but for tax purposes is incorporated in Delaware, a US state well known for acting as a corporate tax haven.

Liberia's registry allows the establishment of trusts and private foundations with very limited disclosure, and its tax administration system does not seriously curtail tax avoidance or evasion. Nor does Liberia participate in the Standard for Automatic Exchange of Financial Account Information, set up in 2014 by 47 countries.

This matters to seafarers because the way that many flags of convenience countries operate can end up costing you your contractual pay, as the Blumenthal story (right) so shockingly shows.

With millions suffering from the impact of austerity it's even more important to shine a light on these untouched concentrations of wealth. We need to end the FOC system and ensure there is a genuine link between the owner of the ship and the flag it flies.

There must also be effective control and regulation by the country over ships registered under its flag. Having proper openness and transparency would also help tackle instances of shipowners hiding from their basic responsibility to their crews. ■

## Crew lose out in legal battle over who employs them

**Many seafarers are fighting for their wages as a Hamburg shipping line appears to be getting round German labour law, says Marc Widmann of Die Zeit newspaper**

**Ukrainian captain Roman Bantsekov thought the shipping articles agreement before him in January 2014 was just like many he had concluded in the past, and the wages looked right.**

He believed he would again be skippering the Martha for Hamburg shipping line Johann M K Blumenthal, as the agreement was signed by its authorised signatory Heinz-Dieter Czech. So he wasn't troubled by the fact that in this agreement the Hamburg line was replaced by a different company, with an address in Liberia. He signed it.

*Continued >*

**The Panama Papers: more than 11.5 million financial and legal records leaked in April 2016 that exposed a system that enables crime, corruption and wrongdoing, hidden by secretive offshore companies.**

**Find out more about the ITF's flag of convenience campaign at [www.FOC-campaign.org](http://www.FOC-campaign.org)**

### Crew lose out in legal battle over who employs them *continued*

That decision triggered a legal wrangle that continues today.

Captain Bantsekov soon had to declare the Martha unseaworthy and disembarked in Singapore in July 2014, after over five months at sea. His final pay statement was for USD11,686.01 but once home he received only USD3,540.81 dollars. The Martha's chief mate had signed a similar agreement with the same named company and was also owed wages.

After weeks chasing the owed money, the captain was told that accusations had been made against him so the costs of his flight home and his successor's travel had been deducted from his pay. He declared his innocence and demanded his wages. Blumenthal told him to talk to the company named in his agreement – First Class Bulk Shipping Limited at 80 Broadstreet, Monrovia, Liberia.

This address is where the Liberian shipping register has its branch office, so shipping lines wanting their vessels to sail under the cheap Liberian flag must register there. They are not allowed to conduct active business in Liberia but in the Blumenthal case, they have started appearing as seafarer employers.

When ITF inspector Ulf Christiansen took on the Martha

cases in late 2014, he was already assisting the chief engineer of Blumenthal's Carola and had successfully helped three seafarers from two other Blumenthal vessels win outstanding wages through the courts in 2013 and 2014.

All the cases involved non-payment of final wage instalments and accusations without evidence. But in the earlier cases, Blumenthal appeared as the employer in the agreements.

In June 2015, the Hamburg labour court rejected Bantsekov's claim that Blumenthal was behind the Liberian company and was therefore his employer and obliged to pay his missing wages. The ITF financed his appeal to the regional labour court in early 2016, but again he lost. Blumenthal successfully argued that it provided active personnel services for First Class Bulk Shipping and that Liberian law should be applied, as a Ukrainian seaman knowingly and freely concluded a contract with a Liberian company.

Christiansen advised the Martha and Carola crew members to send their claims to the Liberian Shipping registry, which has its head office in the United States. The case continues. ■

**Captain Bantsekov says there's one thing he will always do now – read through his shipping articles agreements extremely carefully, from the first word to the last.**

## Svetlana highlights scandal of FOCs

**The Svetlana tale of crew being mistreated on a substandard ship highlights the scandal of flags of convenience and the lack of regulation, says ITF inspector Tommy Molloy**



**The Svetlana, owned and operated by the Victoria Maritime Trading company and flagged in Valletta, Malta, was detained in Cardiff, Wales on 20 October after it was discovered the crew had not been paid for many months.**

This was just eight days after it had been detained when a port state control inspection by the Maritime and Coastguard Agency (MCA) found 11 deficiencies, including the fire-fighting main pipeline so corroded that it was holed, an indicator fault on the fire detection system in the cargo hold, and a missing auxiliary steering motor.

The MCA asked the ITF to assist the crew and calculate their owed wages. On board, I learnt that the Russian, Ukrainian and Bulgarian crew had received only small, infrequent cash payments. One man hadn't been paid since he transferred to the ship in June; and he hadn't been paid the

three months' wages owing from his employment on the previous ship.

The wages were the lowest I'd seen for a long time, well below the ILO minimum referred to in the Maritime Labour Convention. The crew had also been forced to buy their own personal protective equipment before joining, which is totally unacceptable.

The ITF submitted a wages claim based on the ILO minimum for owed pay and payments for additional work that had been promised. We invited the owners to enter into discussions to sign an ITF agreement, which would provide acceptable minimum employment standards for the crew.

The company responded by accusing me of blackmail and acting illegally, and insisted they would only pay what was written on contracts, however low. Eventually, the crew were paid the nearly USD60,000 owing to them before the vessel was released.

The MLC requires states that have ratified to establish procedures for determining minimum wages with regard to those set by the ILO. This case raises questions about whether the ILO minimum wage is enforceable by port state authorities and the role of flag states when they learn that a shipowner is not paying the ILO minimum. ■

# New safeguards against abandonment

On 18 January 2017 new amendments to the Maritime Labour Convention, 2006 came into force to deal with the scourge of abandonment.

For many years the ITF has been campaigning for shipowners and governments to take their responsibilities to seafarers seriously, and to outlaw the practice of leaving seafarers high and dry when companies get into financial difficulties or simply run dysfunctional operations. Now there is light at the end of the tunnel.

So what does the new regulation mean for you?

It means that shipowners must have a form of insurance, directly accessible to crews, with sufficient funds to provide timely financial assistance in the event of abandonment. It means no more seafarers left for months on end with no food, no wages and no way to get home.

All ships whose flag states have ratified the MLC (at the time of writing covering 91 percent of global tonnage) must have copies of the insurance certification 'posted in a conspicuous place' on board in English.

If you think you may be in danger of abandonment, don't wait too long. In the first instance you should try to contact the shipowner. You will find the name of the shipowner and their contact details on the 'Declaration of Maritime Labour Compliance' (DMLC) on board. If you have been abandoned then make a complaint directly to the shipowner's insurer.

The insurance (or other form of financial security) can be triggered

'If the ship owner:

- fails to cover the cost of the seafarer's repatriation; or
- has left the seafarer without the necessary maintenance and support; or
- has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.'

You will be entitled to claim for up to four months' outstanding wages and other entitlements as per your employment agreement or CBA from the shipowner's financial security provider. **That's why it's important not to leave it too late. If you wait six months to apply, you'll only get four months' backpay.**

The insurance must also cover all reasonable expenses, including repatriation costs, adequate food, clothing where necessary, accommodation, drinking water, essential fuel for survival on board and any necessary medical care. Repatriation costs mean 'appropriate and expeditious' travel – normally by air, and including all reasonable costs for the journey, such as food, accommodation and transport of personal effects. The insurance will apply from the moment of abandonment to the time you arrive home.

The International Group of P&I clubs (see next page) have committed to provide 24-hour emergency helplines which you will find in the certificates on board or online. Make sure you contact them as soon as you realise you've been abandoned.

As soon as the system is up and running flag states and ports will have to check that suitable abandonment insurance certification is carried on board. ■

# Are you abandoned?

Is your shipowner:

- Refusing to pay for your repatriation even though your contract is at end?
- Failing to supply food, water or fuel oil to the vessel?
- Behind in paying wages for the last two months or more?

If you are experiencing any of these problems, you are considered 'abandoned' according to international regulations set out in the Maritime Labour Convention, 2006.

Contact the abandonment insurance provider (look on your ship's noticeboard for the certificate with contact details, or see the list below). You can also raise the alarm with the flag state, a port state control officer or an ITF inspector.

Act fast before the situation escalates.

You will be covered for up to four months' wages, so don't leave it too late to complain!

International Group of P&I clubs:

- The Swedish Club [www.swedishclub.com](http://www.swedishclub.com)
- UK P&I Club [www.epandi.com](http://www.epandi.com)
- Skuld [www.skuld.com](http://www.skuld.com)
- Britannia [www.britanniapandi.com](http://www.britanniapandi.com)
- Steamship Mutual [www.steamshipmutual.com](http://www.steamshipmutual.com)
- Gard [www.gard.no](http://www.gard.no)
- The London P&I Club [www.londonpandi.com](http://www.londonpandi.com)
- West of England [www.westpandi.com](http://www.westpandi.com)
- North [www.nepia.com](http://www.nepia.com)
- Shipowners [www.shipownersclub.com](http://www.shipownersclub.com)
- The Standard [www.standard-club.com](http://www.standard-club.com)
- The American Club [www.american-club.com](http://www.american-club.com)
- The Japan Ship Owners' Mutual Protection & Indemnity Association [www.piclub.or.jp](http://www.piclub.or.jp)

**Seafarers' Bulletin brings you the latest developments concerning seafarers at the International Maritime Organization (IMO) and relating to automated ships**

# News from the IMO

**Branko Berlan, the ITF's representative at the IMO, explains unions' concerns over the new category of industrial personnel, and operational manning and fatigue**

**We're concerned about the impact on seafarers arising from the creation of a category of industrial personnel, because it opens the door to changes in how ships are manned.**

It is already in practice in mobile offshore drilling and involves carrying two types of workers on board – seafarers and industrial personnel.

It could lead to a minimum number of seafarers being carried in marine departments to stand navigation and engineering watches, while industrial personnel are carried in an industrial department on board to perform all other work – such as

maintenance and repairs, mooring, catering and cleaning.

Even on remotely-controlled ships without watchkeepers, there is still a potential need for onboard personnel for maintenance, repair and technical support. This new definition means that these positions might be filled with unregulated industrial personnel, rather than with seafarers qualified under the STCW Code and covered by other international and national laws protecting seafarers' rights and working conditions.

This move has the potential to destabilise the existing regulatory and legal frameworks

which apply to seafarers, shipowners and administrations and could have a number of damaging and unforeseeable consequences. It could create conflicts with the Maritime Labour Convention 2006, which has now been ratified by 79 countries and covers 91 percent of the world fleet.

Operational manning and fatigue has been of concern to seafarers and the ITF for a long time. Current discussions at the IMO are focused on amending the existing guidelines on fatigue, and the ITF insists that they should include appropriate operational manning as the main solution to reducing fatigue.

This would mean that each of the proposed revised guidelines would be organised in seven modules, all of which should take into consideration international regulations – such as the ISM Code, Minimum Safe Manning and the MLC – to provide enough human resources for safe work on ships.

The ITF is also concerned about the enormous number of controls and administrative burdens which are piled specifically onto ships and crew. This continues to add to the pressure of putting liability for potential criminalisation of masters and crew, which the ITF strongly opposes. All seafarers should be treated honestly and fairly. ■

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# Seafarers vital for safe and cost-effective ship operation



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George Quick, vice president of ITF union the International Organization of Masters, Mates and Pilots in the USA, explores what unmanned autonomous ships might mean for seafarers

## Advances in information and communications technology and robotics are already beginning to affect the maritime industry.

But most visions of an automated shipping future have been based on ambitious claims by equipment manufacturers and service suppliers.

They base their concept on developments which largely only apply to the controlled environment of manufacturing and distribution industries. It is highly questionable whether this model can be transplanted to the unique, dynamic, global and uncontrolled maritime environment.

The International Maritime Organization is already trying to develop and implement technology to support e-navigation, which could lead to truly autonomous unmanned ships making their own decisions using only artificial intelligence.

But it is widely believed that the

cost of building a ship with the required technology for remotely-controlled operation may be higher than that of a conventional ship, even without crew and crew accommodation. There would need to be expensive shoreside infrastructure for monitoring and control and for maintenance, repairs and other functions – tasks largely carried out now by seafarers from lower cost labour-supply countries.

Autonomous ships would come into service at the cost of seafarers' jobs. Yet informed estimates put manning costs at only six percent of the overall cost of running a ship. So it's difficult to see how the cost savings – even of cutting all seafarer jobs – could compensate for those extra costs of building and operating an autonomous shipping industry.

So far, shipowners have not shown much enthusiasm for the idea. They will only embrace it if it offers a competitive advantage.

People who want autonomous ships say they would lower costs and increase safety by eliminating the risk of human error. But there is a very real risk of introducing new sources of error in technical systems, communication links, cyber security, and remote human controllers who are isolated from the reality of the ship and its actual environment.

They also argue that complex, highly automated systems require highly skilled operators and will upskill seafarers and move them into better-paid jobs. This is not the experience in other industries. Basic competencies and lower level decision-making functions are built into the technology, and machines that think create people who don't need to.

And in the dynamic and complex maritime world, assessment and judgement based on experience are fundamental to the decisions, often made under tight time constraints, that spell the difference between success

or disaster.

Trade unions are not against new technology. But we are very concerned about 'technological unemployment', where jobs are cut through new technology just to boost profits.

The changes technology brings about have been compared to a fourth industrial revolution. They will not only affect workers and the nature of work, but the future of society, our economic system and our political institutions.

Unions can only help navigate seafarers through this if we help to shape how this change affects workers and society. That's why we need to base our case that seafarers are essential for operating ships on the grounds of both cost effectiveness and safety.

Find out more about the International Organization of Masters, Mates and Pilots at [www.bridgedeck.org](http://www.bridgedeck.org). ■

The ITF has set up a working group to look at autonomous shipping so that it can fully represent your interests on the issue at the IMO. The World Maritime University is commissioning a report on unmanned vessels.

# Top tips to improve your wellbeing

The Seafarers' Trust has put together 10 top things you can do to improve your wellbeing

## 1 Healthy mind, healthy body

We tend to think of our bodies and minds as separate systems. Eating healthy food, or fitting in a quick 10-minute exercise session, releases endorphins and improves body confidence, while increasing endurance levels.

## 2 Connect with people

Being confined to a ship for months at a time allows time to build close connections to your colleagues. But it can also allow time for claustrophobia to set in. Luckily, our offline Shoreleave app ([www.seafarerstrust.org/apps](http://www.seafarerstrust.org/apps)) provides all the information you need to locate a seafarers' centre and meet new people, or to access the all-important Wi-Fi to call home.

## 3 Do things for others

If you want to feel good, do good! Helping your fellow seafarers is not only good for them, it makes you happier and healthier, too. Giving to others need not be hard: it can be as simple as a kind word, a smile or a thoughtful gesture.

## 4 Keep learning new things

Learning helps us stay curious and engaged, boosting our self-confidence and resilience. Why not learn a new language with apps such as Duolingo at [www.duolingo.com](http://www.duolingo.com), or use free learning resources, such as the recently published IMO Maritime Energy Efficiency course – visit <https://goo.gl/D7oyqc>.

## 5 Have goals to look forward to

Whether it's setting a weight target, completing a learning module or ringing home, working towards goals can contribute to happiness. It can also help direct and focus attention, bringing a sense of accomplishment when we achieve what we set out to do.

## 6 Live life mindfully

A beautiful sunset at sea or an interesting visit during shore leave...be attentive to what's taking place in the present and be fully aware of your surroundings – what you can see, hear, touch and taste.

## 7 Look for what's good

Life is full of ups and downs but approaching life with positive emotions – like pride in your work, or enjoying a great book – creates an 'upward spiral', helping to build resources.

## 8 Resilience

We can't often choose what happens to us, but in principle we can choose our own attitude to what happens. Knowledge is power and it's important to be proactive. An understanding of your legal rights and remedies while at sea is a first step. Check out the Seafarers' Rights International app at [www.seafarersrights.org](http://www.seafarersrights.org).

## 9 Be comfortable with who you are

Months spent away on a ship away from your home support network, and being in a repetitive environment, can mean we stop putting our perceived imperfections into perspective. Accept that no-one is perfect, including you.

## 10 Be part of something bigger

Scientific research shows that having a connection to something bigger than ourselves makes us happier and healthier. This could be a religious belief or spiritual side, being active in your trade union, contentment in doing a job that makes a difference, or doing yoga.

Check out our list of the must-have apps for seafarers, using the barcode below.





### Join the campaign

**Dockers:** speak to your union about how you can support the campaign in your port.  
**Seafarers:** if you're asked to do lashing or unlashing work in port: email the details to [ReclaimLashing@itf.org.uk](mailto:ReclaimLashing@itf.org.uk) and include the vessel name and location.

## Calling all seafarers – lashing is dockers' work

Christian Roos, ITF inspector in Belgium, explains why the ITF and ETF are stepping up work to end the practice of seafarers' doing dockers' jobs

Lashing in ports is dockers' work and should only be done by trained dockers. It's an extremely dangerous job and if carried out by untrained workers it can lead to injury, health problems or even death. Crew should never be requested to lash or unlash cargo in port unless the safety and security of crew and vessel are in danger.

If you're a seafarer working on board a vessel flying a flag of convenience (FOC), your vessel may be covered with an ITF-approved collective bargaining

agreement (CBA) – check using the ITF seafarers' app.

Each ITF CBA contains this clause: 'lashing and unlashing of cargo is dockers' work and the crew should not be asked to undertake this work – unless there is prior agreement from the local ITF dockers' union'. Companies, masters or officers asking seafarers on FOC vessels to carry out lashing and unlashing work and who don't have a written permission are in breach of this ITF CBA clause.

Unions in northern Europe affiliated to the ITF and its European arm, the ETF, are running a campaign to reclaim the lashing and securing of feeder cargo for dockworkers. During the first week of September 2016, ITF inspectors took the campaign on board ships. Read about the Elbfeeder visit on page five. ■

### Spread the word

Read the ITF's new lashing leaflet on the back page of the *Seafarers' Bulletin*. Pin it up on board so that all the crew are aware of the risks and know their rights.



## Landmark study should lead to better container port health and safety

Sharon James, ITF dockers' section secretary, examines a new study – the most comprehensive evidence on the health, safety and welfare of workers in the global container port industry – which says that major container port operators need to do more to keep port workers safe at work

# ITF family helps Gdansk dockers win CBA

Dockers in Poland signed a collective bargaining agreement (CBA) with Deepwater Container Terminal (DCT) after a strong organising campaign and huge support from the ITF family, says Adam Tyłski, Solidarność's lead organiser in Gdansk



The national maritime and port workers sections of NSZZ Solidarnosc started an organising drive in DCT in Gdansk in 2012. By the end of April 2013, we had established a new union and quickly won 20 percent of the workforce into membership. In July 2013, we signed a basic-level union recognition agreement with management.

But DCT clearly viewed the agreement as a 'tick box' exercise. As the union became stronger and more proactive, so management became increasingly hostile. Managers interrogated workers, threatened them with dismissal for slowing down terminal work and sacked two union activists.

We turned to the ITF for

support. We discovered that funding for the construction of the second berth (which opened in October 2016) was secured by a loan from the European Bank for Reconstruction and Development (EBRD). The loan conditions stated that the debtor must respect the right of workers to join trade unions and collective bargaining. DCT was using its agreement with the union as proof of good behaviour.

Acting on our behalf, the ITF went to the EBRD, which considered the political implications of a formal union complaint and its second tranche of funding. The result was stunning. DCT started talking to us.

But DCT didn't renew the

employment contracts of the union vice-chair and two other activists, and it banned union organisers from the terminal after we'd presented the CEO with a petition during his meeting with customers about the berth.

We decided to go public. We filed a complaint to the prosecutor's office about the rights violations, protested at the Baltic transport conference, organised a large rally, and held a two-hour blockade of the terminal.

ITF union the Maritime Union of Australia helped us target the Australian Macquarie Bank which owns DCT and reach those who had shares in the company. Together with the ITF, its European arm the ETF, and

its unions ver.di, FNCTTFEL-Landesverband and Unite the Union, we organised pickets outside Macquarie offices throughout Europe. The ITF and its union 3F targeted Maersk, DCT's biggest customer, and the ITF triggered a LabourStart online campaign.

DCT had no place to hide and eventually invited us to the negotiations which resulted in the signing of the CBA.

Following this campaign, the EBRD signed an agreement to work closely with the International Trade Union Confederation on future projects it funds.

Find out more about Solidarnosc's activities at [www.solidarnosc.org.pl](http://www.solidarnosc.org.pl). ■

**This study shows that the major global terminal operators are committed to addressing safety management in their terminals but do not involve workers and unions enough in developing and implementing occupational safety and health (OSH) policies.**

It reveals that port workers view things differently from management, with workers reporting higher levels of work-related harm than company records showed. Some 70 percent felt their safety was at high risk, while 60 percent felt they were at high risk of experiencing work-related harm

to their health. Workers felt that many common health effects of their work were not addressed adequately by OSH arrangements, and believed that welfare arrangements did not adequately provide for their needs.

The study showed significant variations in the levels of protection provided to workers in different jobs, in different terminals, and in different countries. Among the other key areas of concern are:

- *Too little attention to the specific needs of women workers.*
- *A focus on immediate safety risks at the expense of longer*

*term effects on health.*

- *Health and safety outcomes are worse for subcontracted workers.*
- *Productivity targets are undermining the will to prioritise health, safety and welfare.*
- *An inconsistent approach to OHS management, at least in terms of applying the highest standards regardless of country.*

The study calls for changes in OSH policy and practice to help support improvements. It urges those responsible to review corporate and terminal level health and safety arrangements and address the gaps identified in the report.

The ITF recommends that the findings are considered when the ILO code of practice on safety and health in ports is being revised.

The research was commissioned by the ITF and the IOSH (Institution of Occupational Safety and Health) and carried out by Cardiff University. ■

You can download 'Global container terminals – arrangements for health, safety and welfare' at [www.iosh.co.uk](http://www.iosh.co.uk)

# Abuses abound but hope on horizon for fishers





## Investigating the dark side of life at sea

New York Times journalist Ian Urbina has spent over two years researching and exposing crime and violence at sea for a series of hard-hitting articles called *The Outlaw Ocean*. *The Seafarers' Bulletin* finds out more

### What prompted your interest in what was going on at sea?

Since I was a boy I've always been fascinated with the blue space on the map. Then in graduate school at the University of Chicago, I was studying anthropology and spent some time working on a research vessel out of Singapore where I became specifically interested in the life of seafarers and fishers. So, when I joined *The New York Times*, I had long harboured the idea of convincing the newspaper to pay to send me to sea and to explore the ungoverned and ungovernable space that is two-thirds of the planet.

### You say that fishing is where the worst abuses are going on.

**What are the most common abuses you've exposed?** The series set out to highlight the diversity of crime that exists well beyond the Captain Philips style of Somali piracy. We found and investigated a range of crimes, including illegal fishing, intentional dumping, murder, slavery, forced labour, abuse of stowaways and arms trafficking. In places like the South China Sea, tens of thousands of migrants, mostly young boys, are trafficked to ports and sent to sea against their will. Governments have neither the incentive nor finances to police the oceans. Murder at sea is caught on camera but no-one investigates. Interpol lists notorious poachers but no country is willing to pursue or arrest them.

**What was the worst abuse you uncovered?** One of the stories we discovered of slavery in the South China Sea was that of Lang Long (see page 34). His crews trawled primarily for forage fish in the waters off Thailand, where Lang Long was held. Much of it is sold to the United States, typically for canned cat and dog food or feed for poultry, pigs and farm-raised fish that Americans consume.

**How did you gain access to the vessels?** It sounds harder than it is. Convincing captains gets less difficult the further out at sea you get, so you hopscotch. The first jump was the biggest challenge, getting from port to the first vessel. Captains of motherships could be persuaded to take us but were adamant we couldn't board in

port, where people are very aware of western journalists and human rights workers throwing bad light on them. So we'd take a small skiff out for 10 miles, transfer to the mothership for 50 miles, then the captain would radio another ship and get that captain to take us another 50 miles. It could be three jumps to reach the vessel we wanted.

**Three jumps back to port – weren't you scared?** We only had one satellite phone, so if that went, we were completely cut off. It was scary but the danger came from the conditions on board and the weather. The further out at sea you got, the less captains and crew saw us as a threat, so there was no reason for them to harm us. We were just some strange guys that wanted on to their rat-infested ship to document how they worked.

### Do you plan to continue researching and writing about fishing?

Yes, at the end of 2016, I plan on picking the series back up and will be again traveling and producing more stories. Toward that end, I will be going to cities around the globe to give presentations about the issues and the reporting. These presentations are highly visual – drawing from stills and video from the stories. The format involves a 40-minute talk about the project: impetus, goals, tactics, surprises, challenges, backstories, findings, policy repercussions.

### Is anything changing for the better yet? Do you have hope for the future?

Yes, I do think a lot is changing, albeit not fast enough. There have been a range of developments that are on the specific stories we uncovered, including criminal investigations of illegal actors, stepped up port inspections, and government reforms.

On a higher altitude though, seafood traceability is a new movement that is attempting to improve transparency and accountability of global supply chains so we can track where fish is caught as well as the rights of those who catch it. ■

You can read the full series of Ian Urban's articles at [www.nytimes.com/oceans](http://www.nytimes.com/oceans). Or email Ian directly at [urbina@nytimes.com](mailto:urbina@nytimes.com) to receive free instalments of *The Outlaw Ocean*.

**Lang Long's story**

After watching his younger siblings go hungry because their family's rice patch in Cambodia could not provide for everyone, Lang Long accepted a trafficker's offer to travel across the Thai border for a construction job.

But when he arrived, Lang was kept for days by armed men in a room near Samut Prakan port and then herded with six other migrants onto a shoddy wooden ship. It was the start of three brutal years in captivity at sea.

"I cried," said Lang, 30, recounting how he was resold twice between fishing boats. After repeated escape attempts, one captain shackled him by the neck whenever other boats neared.

When Som Nang's boat showed up, Lang had been wearing

the shackle on and off for about nine months.

According to Som, after offloading fish for about 10 minutes, he asked why Lang was chained, and the captain replied, "Because he keeps trying to escape". After returning to port, Som contacted Stella Maris, which began raising the 25,000 baht, roughly USD750, needed to buy Lang's freedom.

During his six-day voyage back to shore on the mothership, Lang cried and slept most of the time, hidden by the crew to avoid word getting out to other fishing boats about their role in his rescue.

Lang said that at first he had tried to keep track of the passing days and months at sea by etching notches in the wooden railing. Eventually he gave that up. "I never thought I would see land again."



## ITF to start inspecting fishing vessels

ITF inspectors from many countries gathered in the port of Vigo, Spain in October 2016 to explore how to respond to the growing number of calls for assistance from crew on fishing vessels

Until now, the ITF has not carried out routine inspections of fishing vessels, as it does on merchant ships.

"However", says Luz Baz, ITF inspector for Galicia and Asturias, Spain, "the forthcoming entry into force of ILO convention 188 will mean an improvement in sea fishers' conditions. Currently, they are totally abandoned in terms of law and work in one of the most

dangerous environments.

"So the time is right for the ITF to agree in what circumstances and how our inspectors should respond to the increasingly common calls for help we receive from crew over unfair treatment or risks to their health."

Convention 188 is an important tool that will establish a minimum number of rest hours, more security measures, coverage for diseases resulting

from work as fishers, medical care on board, crew wages and improvements in accommodation and food.

In June, Baz's passionate plea for urgent ratification of convention 188 at a United Nations meeting caused the European Union's chief representative to propose the inclusion of minimum labour standards aboard fishing vessels.

Baz had highlighted abuses by

unscrupulous shipowners who take advantage of free registration and management of their ships and profit by exploiting workers from some of the poorest countries on the planet.

The inspectors were joined by Spain's ambassador to the International Maritime Organization (IMO), Antonio Padron, and representatives of maritime crewing company Albacora and the Social Marine Institute. ■



## Expanding industrial hubs into the Arab World

When Hamou Touahria, a member of Algeria's powerful oil workers' union, arrives for work at the port of Algiers each day, he is acutely aware of the network of transport workers, ancillary workers and other employees around him who make his country's biggest port function



Industrial hubs like Algiers port are at the heart of a major ITF and IndustriALL global union programme to encourage workers from different sectors who work in or around a particular geographical location to build their collective strength by supporting each other. It's a concept seafarers and dockers are familiar with.

A successful pilot project in the UK ports of Felixstowe, the Humber and Grangemouth in 2015 involved ITF member Unite the Union, the largest trade union in the UK and Ireland. Now the hubs programme is expanding into the Arab World.

Algerian unions representing workers in the country's maritime, oil and gas industries have formed an alliance with unions working in road, rail and civil aviation. They will work together to promote organising in hubs to their members and explore how they can effectively represent workers across industrial sectors in hubs.

The three unions are affiliated to the Union Générale des Travailleurs Algériens (UGTA); the Federation nationale des travailleurs des transports (FNTT); the Federation Nationale des Travailleurs des Ports Algériens; and Hamou Touahria's union, the Fédération Nationale des Travailleurs du Pétrole, du Gaz et de la Chimie.

Touahria says: "The importance of this hubs alliance lies at the beginning in showing what we do as workers, exchanging experiences and knowledge of our role as workers in our institutions, and showcasing what we do for our workers through collective agreements and improving workers' rights."

The Algeria hubs project will be officially launched at the ITF Arab World regional conference in February 2017. ■

"Women's participation in the Algerian hubs alliance programme will help improve their role on the ground – to further support and promote the role of women in their unions and in society"

Djamila Madioni, social services coordinator for the Federation Nationale des Travailleurs du Pétrole et du Gaz

Find out more about the industrial hubs programme at [www.itfhubs.org](http://www.itfhubs.org) and follow developments on social media using #OurHubs.

Find out more: UGTA [www.ugta.dz](http://www.ugta.dz)  
Unite the Union [www.unitetheunion.org](http://www.unitetheunion.org)  
IndustriALL global union represents workers in the mining, energy and manufacturing sectors [www.industriall-union.org](http://www.industriall-union.org)

# CALLING ALL SEAFARERS

**Are you being asked to carry out lashing and securing of containers on ships in ports?**

We are getting reports that this is happening more often because shipping companies want to speed up port operations or save money by not hiring trained dockworkers to do this job.

Seafarers are being paid nothing or very little to do the work. They are ending up stressed and fatigued because of long working hours and tight sailing schedules. They are being left with no time to go ashore, to rest or to contact friends and family back home. Seafarers have even been injured or killed because they are not properly trained to do lashing work but are being asked to do it anyway.

This is very dangerous work. That is why the ITF CBA (Collective Bargaining Agreement) article 3 states clearly that “lashing and unlashng of cargo is dockers’ work and the crew should not be asked to undertake this work – unless there is prior agreement from the local ITF dockers’ union.”

We believe that every vessel should be covered by an ITF agreement.

If your company, master or officer is asking you to do lashing and unlashng in ports and they have no written permission from the local dockers’ union then they are in breach of this agreement. Let us know if this happens to you by sending us an email detailing what happened, the vessel name and location to: [ReclaimLashing@itf.org.uk](mailto:ReclaimLashing@itf.org.uk) We will keep your details confidential to the ITF and won’t tell your employer.

**Protect your safety and support your brothers and sisters on the docks by refusing to do lashing and unlashng work in ports on vessels covered by ITF agreements.**



The ITF is a global union organisation representing 4.5 million transport workers around the world. Find out more:  
[www.ReclaimLashing.org](http://www.ReclaimLashing.org)

