



Seafarers' Bulletin

International Transport Workers' Federation

no. 23/2009

What does the shipping crisis mean for seafarers?



Helping you survive at sea

The ITF flag of convenience campaign

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

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

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

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

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

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



www.itfseafarers.org

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

Pay and repatriation costs for Russian crew

A crew abandoned in the UK port of Liverpool has won its struggle to receive back wages and repatriation costs.

The 14 Russian seafarers on board the *Stalingrad*, owned by Russian firm SakhalinMor Trans, were owed four months' wages, approximately 85,000 euros (US\$113,000). The vessel had been arrested for non-payment of bills.

Dan Bunkering, the company's main creditor, made an application for the sale of the vessel. It promised to pay an initial amount of 50,000 euros to cover repatriation costs and part of the workers' unpaid wages, with the balance to be paid within 14 days of a court judgment on the sum payable.

ITF Inspector Tommy Molloy commented: "This is a good result for the crew, and the lawyer acting for them is to be commended for his work."

He added: "Local groups have helped to raise money for food and other provisions for the crew; they had been left without their basic needs being taken care of."

Kokkola case closed with crew pay victory

Seafarers have won a pay increase of almost US\$100,000 following joint union action that began during a Baltic Sea week of action.

During the action week, a Finnish inspection team visited the Hong Kong-flagged *Idefix Bulker* at Kokkola and found that the 24 crew members had no sort of collective bargaining agreement whatsoever. Management of the apparently Danish owned or chartered vessel was delegated to Cosco Wallem in Hong Kong.

The Finnish Seamen's Union (FSU) responded by asking the company to sign an ITF standard collective agreement for the crew members and to pay them wages in line with such an agreement. Cosco Wallem admitted that there was no CBA but they said they would sign one with Hong Kong unions. The FSU, after consulting with unions in Hong Kong, responded with their message that this was not acceptable.

Luckily, there was time for negotiations because the unloading had been slowed by heavy rain and a new cargo of timber was expected, but after two weeks of talks there was still no satisfactory outcome. The FSU

decided it had no other option than to boycott the vessel. The local dockers, who are members of the Finnish Transport Workers' Union AKT, showed their support by stopping the loading of the vessel.

The boycott had an immediate effect and the owner agreed to cover the vessel with an ITF standard collective agreement and pay the crew's outstanding wages of US\$99,289.

The agreements were signed on 23 October 2008 and the FSU, with the support of its dockworker colleagues, lifted the boycott at noon on the same day, while there was still time to load the ship. The money for the dues arrived on 27 October and the outstanding wages were paid to the crew in the presence of ITF Inspector Jan Örn who, along with his colleague Simo Nurmi, had been on the case throughout.

Wage agreement for Estonian seafarers

Some 2,000 seafarers in Estonia are set to benefit from a three-year wage deal following lengthy negotiations between their union and their multinational ferry company employer.

The ITF-affiliated Estonian Seamen's Independent Union (ESIU), which represents the seafarers working on board Tallink Group's vessels, reached the agreement during negotiations that began in January 2008. The deal provided the 2,000 seafarers with a 25 per cent pay increase last September, to be followed by a nine per cent increase in 2009 and a further six per cent in 2010. Workers with more than four and nine years' service will also receive a seniority bonus of 5 or 10 per cent respectively from 1 April 2009.

The settlement follows a one-hour long warning strike on 4 August when five ferries were stopped in Estonia's capital Tallinn, as well as in ports in Helsinki, Finland, and Stockholm, Sweden, where Finnish and Swedish unions organised solidarity action.

"We acknowledge the company's will to secure jobs and pay for the next three years," said Kaia Vask, ESIU Chair. "The increase will boost employees' motivation and help to improve the quality of service on ferries. The seniority bonus system also recognises the input of skilled and experienced workers. The company management has additionally



The crew has won US\$100,000 with the help of the ITF.

Venedikt strike wins pay

Ukrainian seafarers were able to claim back pay after going on strike, following ITF advice. Muzaffer Civelek, the ITF Inspector in Turkey, explains what happened.

- 3 June 2008: The chief mate of the merchant vessel *Venedikt* contacted the ITF, while the vessel was crossing the Dardanelles Strait, en route to Russia. The chief mate told the ITF that there were 13 Ukrainian crew members on board, with four months' unpaid wages, a total of US\$100,000. They asked for help from the ITF. We kept contact till the vessel came to Istanbul. I advised the crew not to pass the Bosphorus, and to wait at anchor.
- 7 June: The vessel reached Istanbul, and the crew anchored the vessel. The manager pressed the crew to sail on, but they refused till my visit.
- 10 June: After three stormy days, I visited the vessel with a lawyer, and met with the team on board. The Ukrainian consulate came to provide language assistance. I explained some possible solutions to the situation. After some consideration, the crew decided to go on strike. A local lawyer collected legal documents to apply to the Turkish court to arrest the ship because of unpaid wages.
- 11 June: An agent of the vessel offered the crew money to sail, but they refused to let him enter.

The agent asked me to help him get on the vessel, so we went together and gave the money – US\$50,000 – to the master. He put the money under lock and key, witnessed by the crew.

- 12 June: The master called me and told me that the manager had put pressure on him to sail to Russia immediately, saying the rest of the money would be paid there. I phoned the bare boat charterer; they told me that they had terminated their agreement with the manager. The charterer offered a payment plan to the crew. If the crew brought the vessel to Russia, the charterer would pay their wages in cash on board at the port. We discussed the matter and decided to make an alternative offer. The crew demanded all their unpaid wages in cash in Istanbul and, if the company gave them a guarantee letter for their next wages, they would sail to Russia. The company didn't reply. So, I warned them that we were getting ready to apply to the court and arrest the ship. A court process would take months.
- 14 June: A new agent of the vessel called me. He said they were prepared to pay the unpaid wages: a total of US\$98,478. The master and the crew received a guarantee letter from the owner. The crew agreed to sail to Russia. Three days later, some of the crew called me and said that they had received the rest of their money in Russia in cash on board.

“The unions held demonstrations and peace marches, lobbied government and briefed the media on the case of the seafarers. They were finally released in late November 2008, after being held for two months.”



On strike: Estonian seafarers.

➔ promised to find solutions for other problems that the ESIU raised around the negotiating table. This was a victory for all of us.”

Stephen Cotton, ITF Maritime Coordinator, added: “Both sides can congratulate themselves on achieving such a positive outcome, and we are also pleased to see that the ESIU not only made these gains for their members, but also significantly increased their membership during the negotiations.”

Crew members of hijacked vessel set free

ITF affiliates helped to lobby for the release of 22 seafarers held on board a vessel hijacked by Somali pirates last year.

The ITF-affiliated National Union of Seafarers of India (NUSI) and the Maritime Union of India jointly lobbied for the release of the seafarers on board the *Stolt Valor*; 18 of the crew were Indian. The unions held demonstrations and peace marches, lobbied

government and briefed the media on the case of the seafarers.

The seafarers were finally released in late November 2008, after being held for two months. Five of the crew were reunited with their families in Mumbai, the remaining Indian crew arrived in Delhi shortly after. Nationals from other countries in South East Asia also returned home.

Abdulgani Serang, NUSI General Secretary, said: “We are thankful that the seafarers have all been released. The efforts of the entire Indian shipping fraternity, which joined together in a show of solidarity with the seafarers, was commendable.”

Filipino crew win pay

The Filipino crew of the *Silver Constellation* received outstanding wages and were repatriated from Cornwall, England, following a protracted struggle to recover back pay. The ITF helped the crew clinch a final acceptable pay settlement on 16 February 2009.

The crew had taken two months’ strike action while in Scottish waters, but had then been laid up off Falmouth, England, with dwindling provisions while their back pay and repatriation were being negotiated. The crew ran out of food while in Cornish waters, but received emergency supplies from the local Mission to Seafarers.

Norrie McVicar, ITF Coordinator for UK and Ireland, pursued the company to win what was owed to the crew, and a remaining final

A lesson for seafarers

Although the ITF has made successful claims for many seafarers, there are some cases where we are unable to help. For example, the widow of a Filipino seafarer wrote to the ITF for help. Her husband was on a nine-month contract on board a motor vessel. Four months into his contract, the seafarer did not feel well. He told his chief mate about his health condition and even requested to cut short his contract. But his request was overlooked. Either the chief mate did not think the seafarer was serious, or the seafarer was not persistent enough.

The seafarer never received a medical check up and completed his contract. The day after he arrived home, he went to a local hospital straight away. He was diagnosed with hyperthyroidism. During his treatment, he also acquired another illness and died within two months of leaving the ship. All the medical costs and funeral arrangements were paid by the seafarer and his family. The ITF approached the company with the help of our affiliated union, asking for ex-gratia payments for the widow and the family but we got nothing.

The lesson for seafarers is that, when you feel very ill, you must insist on seeing a doctor. Make your request official and put it in writing. In cases like this, it is possible to pursue a negligence claim if there is a written request from the seafarer. Without anything in writing, it is very hard to prove the company’s negligence. The company can simply deny that the seafarer had ever asked for medical treatment or repatriation.



Going home: the crew of the *Derbent*.

Why you should always look up a ship...

A cautionary tale about checking your ship's status before you board is given here by Fusao Ohori, ITF Japanese Inspector.

On 1 January 2008, a ship ran aground off a small island in the northern part of Japan, where a blizzard hit, with temperatures of around minus 20 degrees centigrade. The crew tried to refloat the ship but it was impossible.

The Japanese coast guard (JCG) found there were no casualties on the ship and suggested the crew abandon ship. But the crew insisted on staying on board and trying to remove it. They only asked for food and water from the coast guard. The crew finally decided to abandon ship on 6 February, and arrived in Wakkanai on Hokkaido.

I met the crew there, to support their repatriation and to resolve any outstanding wages. When I met four Ukrainian and 10 Russian crew, I discovered the name of the ship was *Derbent* and there was no flag: the registry of Cambodia had expired six months before. The ship was still trading between Korea and

Russia, loading live fish and crabs.

According to the Ukrainian crew, they had outstanding wages of about US\$65,000 for more than 14 months, and they wanted to go home with their wages from Japan. The Russian crew also confirmed they had not been paid for several months.

While they stayed in a public facility in Wakkanai, the ITF Inspector team in Japan made contact with the manning agent in Kiev, Ukraine, the Ukrainian embassy and the Russian embassy in Tokyo, the local agent, the JCG, and the ITF Inspectors in Ukraine and Korea as well as ITF London.

We also found the contact details for the ship's owner, V and V, in Moscow and the ship's operator, Ttex Trading, in Korea and asked them to pay the outstanding wages and the crew's repatriation. However, the owner said the company was almost bankrupt, so that it was impossible to pay the costs to rescue the ship, local agent fees, accommodation costs for the crew and their outstanding wages. He did not mention where he was or when he would be

next in Japan. The operator only reiterated that it was the owner's responsibility, not the operator's.

The JCG also tried to find a way to repatriate the crew through the Japanese government. The cost had already reached more than US\$200,000, which included the cost of removing the fuel oil from the ship. The small municipal government had had to pay this large amount of money and were reluctant to spend more.

Meanwhile, I wrote letters to the Ukrainian and Russian embassies in Tokyo, to ask them to make the owner send the crew back to their countries, pay their outstanding wages and rescue the ship. The Ukrainian crew wrote a petition letter to the embassy as well.

Our efforts paid off: the Ukrainian crew were repatriated on 14 February by their government and the Russian crew were repatriated on 19 February by a JCG patrol boat.

I tried to contact the owner but there was no response. The *Derbent* was left there: it had to be cleaned and dismantled at the expense of the local government.

This case shows that all crews should look up a ship before they board, by accessing Equasis or the ITF seafarers' website. They can find data about the ship, such as year of build, gross tonnage, type of the ship, the name and address of the owner and the manager, PSC records, crew's number and nationalities and whether it is covered by an ITF agreement.

By typing in the ship's name or IMO number, crew can tell whether it is likely to be dangerous or offer poor working conditions.

● See www.equasis.org or "Look Up a Ship" on www.itfseafarers.org

“The owner said the company was almost bankrupt, so that it was impossible to pay the costs to rescue the ship, local agent fees, accommodation costs for the crew and their outstanding wages.”



Free ship information online

- Do you want to know more about the ship you work on?
- Do you want to find out if your ship is covered by an ITF acceptable collective agreement?
- Do you want details of your ship's safety record?

If so, you might want to visit www.equasis.org for free ship information online.

This website provides free searchable ship information including ownership details and port state control (PSC) inspections. It also includes important ITF information including details of any ITF agreement that exists on board, a summary of the last recorded crew list, and the date and location of last ITF inspection.

In order to access this information all you have to do is register. It is free of charge and very simple.

How to register

- Go to www.equasis.org.
- Select "Registration" from the top of the screen.
- If you agree to the terms and conditions, select "Accept" at the bottom of the page.
- A registration form will appear. Enter your preferred username and password, and enter your name, address, email and any other details.
- Once you have completed this process you will receive confirmation that your registration is complete and you can begin using the Ship Search service.

How to use the service

You can search for a ship by name, call sign or IMO (International Maritime Organization) number. When you search for a ship, the main page will display:

- Ship information – name, ship type, flag, build year.
- Management – details of ownership.
- Classification societies.
- Safety management.
- P&I insurers' information.

You can choose from the top menu:

- Certification.
- Inspection and manning – port state control (PSC) inspections, PSC human element, International Labour Organization, ITF etc.
- History – flag, ownership history etc.



settlement of around US\$204,000 wages, outstanding since July 2008, was paid on 16 February.

The *Silver Constellation* remained in Falmouth for repairs with a new crew of 21 Indian seafarers. Meanwhile, ITF affiliates in Hong Kong have pursued an ITF-approved collective bargaining agreement to cover the vessel.

Piracy spiralling out of control

Seafarers' lives and livelihoods have come under increasing threat from piracy in the last year.

At the time of going to press, almost 200 incidents had been reported in 2008 to the International Maritime Bureau (IMB) Piracy Reporting Centre. This represents a dramatic increase. Somalia, Nigeria and Indonesia remain international piracy hotspots.

Reported acts of piracy committed in 2008 included 115 vessels boarded, 31 vessels hijacked, and 23 vessels fired upon. A total of 581 crew members were taken hostage, including nine killed and seven missing, presumed dead.

IMB director, Capt Pottengal Mukundan, said: "The increased frequency of piracy and heightening levels of violence are of significant concern to the shipping industry and all mariners. The types of attacks, the violence associated with the attacks, the number of hostages taken and the amounts paid in ransoms for the release of the vessels have all increased considerably."

The scourge of piracy is likely to have serious consequences for seafarers. Apart from the obvious risk of being held to ransom, rising costs for shipowners could also affect employment and pay rates. Some ships have been taking longer routes, at greater cost, to avoid piracy hotspots. Insurance premiums have gone up. Some costs will be passed to the consumer, but workers may also be at risk.

Last year, the ITF negotiated conditions for many seafarers, entitling them to extra pay and rights and ensuring their families would receive compensation in the event of their death when passing through the Gulf of Aden, a piracy hotspot. But the attacks need to be dealt with at an earlier stage in the chain, which is why the ITF has called for

ITF website launches language versions

The ITF website for seafarers is due to launch in three new languages. The website, www.itfseafarers.org, will be available in Chinese, Russian and Spanish by the end of 2009.

The seafarers website was launched as a "one stop shop" for seafarers anywhere, irrespective of how computer literate they are or how good or bad the equipment they access it from may be.

The new language versions will allow seafarers from around the world to find information and communicate with the ITF and each other more easily.

For more on the ITF seafarers website, see page 40.

decisive action from the military to tackle the problem of piracy. It is calling on navies to seek out the mother ships from which attacks are being launched, rather than taking a purely defensive approach.

Seafarer wins disability payment of US\$76,000

The ITF has helped a seafarer win a significant disability payout thanks to coordinated action between Japan and Chile.

In January 2008, Shoji Yamashita, ITF Coordinator in Japan, received an emergency phonecall from Juan Luis Villalón, the ITF Inspector in Valparaiso, Chile. Seafarer Nibaldo León had been injured on the Japanese-flagged fishing vessel *Niitaka Maru* in June 2007. He had received a doctor's report for his lost job as a fisher but had not received anything from the owner, Nissui Shipping.

The ITF in Japan had discussions with the Japanese seafarers' union's fishery department and took the decision to support León. Yamashita provided full information to León through Villalón.

León and Nissui Shipping had a meeting to negotiate a settlement on 28 January 2008 in Chile. Unfortunately this was unsuccessful. The lawyers involved continued to negotiate, and the JSU also continued strong negotiations with Nissui Shipping. They finally reached an agreement on 20 August





The ITF Inspector in New Zealand, Grahame McLaren, finds a contented crew on the IVS Nightingale.

A happy ship

Inspectors don't always find a problem, as was the case with this inspection of the *IVS Nightingale*, at the port of Timaru, South Island, New Zealand. The Inspector went on board last August, and found no issues with the vessel, wages or conditions (except the gangway netting, which needed to be reslung). Pictured above is the ITF New Zealand Inspector Grahame McLaren (ITF vest) and Maritime Union of NZ Timaru Branch President Kevin Forde inspecting the vessel and talking to captain, officers and crew.



Lengthy legal battle upholds entitlement under Employees' Compensation Ordinance

A Filipino engineer has won compensation for an eye injury sustained more than five years ago. Paquito was working as a second engineer on a Hong Kong registered general cargo ship when he was injured in 2003. On 3 September 2003, he was ordered by the Master to repair the starboard accommodation ladder together with the chief engineer. When the chief engineer attempted to straighten a bent portion of the ladder using a sledgehammer, a piece of metal shrapnel flew out and struck the second engineer, causing him the total loss of vision in his right eye. He was 54 years old at the time.

Paquito's contract was in the Philippines Overseas Employment Administration (POEA) standard form, which is intended to protect the rights of Filipino seafarers. It means that the law of the Philippines governs the contractual relationship, and that disputes are to be resolved by means of arbitration in the Philippines. It also sets out the minimum sum payable to a seafarer where there has been injury or death. The POEA "Standard Terms and Conditions Governing the Employment of Filipino Seafarers Onboard Ocean-Going Vessels" were incorporated into Paquito's employment contract.

It is not uncommon for shipowners to enter into two agreements with Filipino seafarers, the first in the approved POEA form to comply with Filipino requirements, and the second, to satisfy other legal requirements. In this case, apart from the POEA contract executed in the Philippines, another employment contract entitled "Agreement and Lists of the Crew" was signed between the shipowner and Paquito to comply with the laws of Hong Kong. As such, the terms of Paquito's contract of employment were found in both the POEA contract and the Hong Kong contract.

Compensation claim

Paquito first made a claim for compensation for his loss and suffering in the Philippines by commencing arbitration proceedings before the National Labour Relations Commission, on 5 November 2003. Subsequently, he initiated Admiralty action in rem (in other words, against the vessel *Rainbow Joy* in Singapore on 30 December 2003.

On 15 January 2004, Paquito withdrew his claim in the Philippines. In the meantime, the shipowner applied for a stay of the Singapore action on a number of grounds. The assistant

Seafarer wins 5-year battle for compensation

registrar was persuaded that the Singapore action ought to be stayed. Paquito appealed against the decision, but was dismissed in the high court proceedings. Even though he appealed to the court of appeal, the decision of the assistant registrar was still upheld.

Paquito did not give up. He took out proceedings to claim Employee Compensation in Hong Kong in August 2005 whilst the shipping company commenced arbitration in the Philippines on 23 September 2005. Paquito was in financial difficulties, so he applied for and was granted legal aid by the legal aid department, Hong Kong. The representatives of the Hong Kong seafarers' affiliates acted as his attorney to assist.

Shipping company stays action

In response to Paquito's action, the shipping company applied for a stay of the seafarer's proceedings. The company also said the claims of the seafarer should be referred to arbitration. A section in the POEA contract says: "In cases of claims and disputes arising from this employment, the parties covered by a collective bargaining agreement shall submit the claim or dispute to original and exclusive jurisdiction of the voluntary arbitrator or panel of arbitrators."

The district court judge pointed out that

"The district court judge pointed out that this was a claim by the seafarer arising from the Employees' Compensation Ordinance and not a claim arising from the employment, in other words: not a claim under the contract."

this was a claim by the seafarer arising from the Employees' Compensation Ordinance (ECO) and not a claim arising from the employment, in other words: not a claim under the contract.

Compensation under ECO is payable so long as the person injured was an employee and the accident happened in the course of his employment. The seafarer's claim in this case does not fall within the arbitration clause and the seafarer is exercising the statutory right conferred upon him by ECO by virtue of his status as an employee. The employer was wrong to rely on the arbitration clause to stay these proceedings.

The judge concluded in June 2006 that the district court has exclusive jurisdiction over ECO claims irrespective of the existence of an arbitration agreement between the parties. The special feature that an ECO claim must be determined in the district court renders the ECO claim inarbitrable, and, therefore, the seafarer's claim should not be stayed and referred for arbitration.

However, the shipping company continued to lodge an appeal in the high court against the order of the district court judge.

The high court judge allowed the appeal and set aside the district court judge's order. The judge made an order on February 2007 that the proceedings be stayed and that the claims of the seafarer be referred to arbitration, as per the POEA contract.

Although Paquito had failed again in the application in the court of appeal for leave to appeal to the court of final appeal, the legal aid department, HK firmly continued to assist the seafarer and eventually was granted leave to appeal to the court of final appeal.

The hearing upheld the view that there is no power to stay ECO proceedings in favour of arbitration. In April 2008, the court concluded that the arbitration agreement and the exclusive jurisdiction points must be decided in the seafarer's favour. This meant that Paquito was entitled to compensation under the Employees' Compensation Ordinance, a victory for commonsense and seafarers' rights.



Italian dockers want a zero tolerance approach to safety.



2008 to start negotiations in Chile between the lawyers for an early resolution.

The negotiations failed, so León's lawyers decided to prepare for a court trial. The ITF continued firm negotiations with Nissui Shipping, and finally on 2 December 2008 Nissui Shipping agreed to pay US\$76,000 for León's disability. He agreed to accept this decision and thanked the ITF for its help.

Italian unions strike over dock deaths

Dockers' unions in Italy went on strike recently in protest over poor workplace safety which has led to a series of deaths in the country's ports.

The strike, which was called by Italy's

● You can access current news about ITF and trade union activities concerning seafarers at:
www.itfseafarers.org/maritime_news.cfm

major port unions, FILT-CGIL, FIT-CISL and Ultrasporti – all affiliated to the ITF – was prompted by a number of fatal accidents. These included the death of docker Giuliano Fenelli who was crushed by a mobile crane in La Spezia and two other fatalities in the port sector, since the beginning of January alone.

In a joint statement, the unions said: "It is now clear that we face a genuine emergency in terms of workplace safety in the ports."

They added: "There are precise causes for such accidents, related to workplace safety measures that have long been promised but never delivered."

ITF Dockers' Section Secretary Frank Leys commented: "There is a need for a zero tolerance approach to unsafe working practices and conditions on the wharves and terminals. National legislation and international conventions have a key role to play – countries must ratify and implement International Labour Organization Convention 152 and the code of practice on safety and health in ports. The ITF and its European arm, the ETF, will continue to work with international bodies such as the ILO and the International Maritime Organization and



● Thinking of taking industrial action?

● Read this first!

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

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

What you must do first is contact the local representative of the ITF. You will find contact email addresses and phone numbers in the centre of this bulletin. There is also a fax form on page 30. You should seek local advice before you take any action.

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

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

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

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



ITF campaign against flags of convenience and substandard shipping

Facts and figures for 2008

➔ ITF Inspectors visited a total of 9,580 vessels during 2008.

➔ ITF agreements on pay and conditions were signed in 31 countries during 2008.

➔ The ITF flag of convenience campaign resulted in a total of US\$18.8 million being recovered in backwages and compensation for crews during 2008.

➔ The ITF has 125 Inspectors in the ports of 45 countries around the world.

➔ During 2008, seafaring members of ITF-affiliated unions and crews on flag of convenience ships took



industrial action in support of the ITF campaign in 21 countries on four continents.

➔ ITF agreements on pay and conditions were signed in 31 countries during 2008.

➔ 82 per cent of the inspections carried out by

the ITF were of flag of convenience vessels (see list of FOCs on page 25), with special attention on those vessels with a poor record.

➔ The number of seafarers covered by ITF collective agreements in 2008 was 232,946 (209,950 in 2007).



The AP Light: crew members were left without wages until the ITF stepped in.



the global port operators to make ports safer.”

ITF wins US\$70,000 for Russian seafarers

Russian seafarers have received the back pay they were owed, after the ITF stepped in to assist.

In January 2007, a Russian chief engineer on board merchant vessel *AP Light* called the ITF to say the vessel was unsafe, and that his company owed crew members’ wages. The ITF Actions Team called Slovenia Port State Control and requested the vessel be inspected.

There were lots of deficiencies found and the vessel was detained by the port authority. The owner arranged for the vessel to go to a shipyard for repair. Meanwhile, the ITF negotiated with the owner for the chief engineer’s wages, as well as repatriation. Other crew members decided not to follow the engineer’s decision and stayed.

In January 2008, a crew member on the same vessel called to say they had not been paid for five months. The vessel had been in a Slovenian shipyard for a year. The company

was in serious financial trouble. One of their ships was arrested in Turkey at the same time as the *AP Light* over outstanding crew wages.

Another was sold previously following action by a Turkish affiliate for the same reason.

Dongli Hur of the ITF Actions Team waged tactical negotiations with the Russian company and the company paid US\$22,000, one third of the owed wages.

Branko Krznaric, ITF Agreements Development Manager, visited the nine crew members, while on leave. He found the crew – eight Russians and one Ukrainian – had run out of food, and were living off their fishing. He got local media involved, organising press conferences. The crew members received overwhelming local support. Within a few days, the public had given them enough food to last a month.

The owner wanted to pay the rest of the wages, but could not afford to because the shipyard was asking for 1.3 million euros in repair fees. The ITF continued to negotiate with the potential buyer as well as with the shipyard.

Eventually the shipyard agreed to reduce their charges to 630,000 euros, a 50 per cent reduction of the original asking price. The vessel was sold in July 2008 and all crew members were paid and repatriated. A total of US\$70,000 crew wages was recovered.

“The crew members received overwhelming local support. Within a few days, the public had given them enough food to last a month.”

Seafarers begin to feel the pinch

The global economic crisis has come upon the world fast and furious, and shipping has felt the blows; BRENDA KIRSCH looks at what's been happening and the implications for seafarers.

Background

In 2007, when concern began to emerge in the United States about finance companies taking high-risk strategies to encourage low income earners to buy property, it seemed, initially, to be a little local difficulty.

But what started as speculative investment and over-reach by US financiers has affected the economy worldwide – and the jobs and livelihoods of millions of people. The effects of the credit crunch have come quickly, and will last for a while to come. And shipping, and the prospects for seafarers, have taken a blow.

With the squeeze on credit, orders have fallen for the products from the factories of China, India and South East Asia. The result has been a fall in demand for the container ships that transport the goods from Asia to Europe and North America. Meanwhile, shipping companies are cutting plans for expansion and growth – including orders for new ships.

Falling incomes and reduced access to credit are also affecting demand for cruise holidays and other leisure shipping.

These developments have had a direct effect on shipping traffic, with longer-term effects on the shipbuilding industry and future capacity when the economy begins its upturn.

If that hasn't been enough, higher fuel prices and cuts to oil production and supply have hit shipping in the past year. And the threat of piracy in the Gulf of Aden has forced some shippers to take longer, more expensive routes from Asia to Europe, raising costs for imports still further.

Crisis hits shipping

The downturn in the international economy began to hit the shipping industry during 2008. A dramatic fall in dry bulk charter rates hit some of the largest shipping charterers and owners. The worsening

“Even before the reduction in shipping traffic hit seafarers’ jobs, crew members felt the effects on their wages.”



Ships at anchor off Singapore; in November 2008, the world's biggest container port, Singapore, reported its first fall in shipping traffic since 2001.

conditions also saw a steep erosion of freight rates.

By June 2008, the volume of cargo carried by container shipping had begun to slump. Second quarter figures showed that westbound growth had dropped to 5.24 per cent from 11.62 per cent in the first quarter, and over 20 per cent a year earlier.

Containerised traffic to northern Europe recorded only a 3.6 per cent growth compared with 9.3 per cent in the first quarter. In June 2008, total westbound volumes to all destinations expanded by less than 1 per cent, compared to figures 9.35 per cent higher in May 2008.

The shipping industry was further shaken by the effects of the run-down of the US stock market, following the collapse of investment bank Lehman Brothers in September, and the growing squeeze on credit for business. And then the US government had to bail out the

crisis-hit insurance firm AIG when it was on the point of crashing – a major shipping insurer, AIG also owns Ports America, the largest port management company in the US.

As for the usual pre-Christmas upturn in cargo trade from Asia to Europe, that never happened in 2008.

Stephen Roach, Asia chair of the Morgan Stanley investment company, warned the World Shipping (China) summit in November 2008 that the economic downturn could last for at least two years.

Seafarers feel the effects

Even before the reduction in shipping traffic hit seafarers' jobs, crew members felt the effects on their wages. Many seafarers are paid in US dollars, which fell in value in mid-2008. That had an immediate effect on seafarers and their families – as well as consequences for economies, such as the

Philippines, which depend on foreign earnings (see box).

A survey of seafarers (mainly officers) by Shiptalk Recruitment in July 2008 found that many had been hit by the falling dollar – more than 70 per cent said that their wages had not kept up with the cost of living at home.

There are growing concerns that companies will seek to freeze – or even cut – wages for crews. ITF-affiliated officers' union Nautilus UK says it is already dealing with pay-freeze demands from container and cruise lines.

The economic downturn is also raising real fears that crews could be left high, dry and unpaid if shipping companies become bankrupt while they are in transit. The ITF is currently finalising guidelines for its Inspectors on how to handle incidents and support crew when ships are abandoned or companies become bankrupt.

But it's not just cuts to wages – the danger now is cuts to jobs and growing unemployment among seafarers.

"We have clear evidence of the impact of the economic downturn on seafarers because several companies have already gone bust, leaving unpaid seafarers around the world," says Fabrizio Barcellona, ITF Maritime Operations Manager. He's responsible for day-to-day assistance to ITF Inspectors and seafarers in need, so has a close eye on the impact of the downturn.

"The slow-down in the import of raw material from China and India has caused a surplus of bulker ships. Almost every company operating in the market – bulker, containers and general cargo – has already rescheduled services and cut unprofitable routes. Ships are laid up in ports and crew repatriated without knowing when they will

The Philippines effect

A high number of the world's seafarers – more than 300,000 – come from the Philippines, and the Filipino economy owes much to the overseas earnings of its people. More than 12 per cent of the country's economy depends on overseas remittances from Filipinos working in a range of industries, including seafaring – remittances totalled US\$13.7 billion in January to October 2008. The value of that income

has been hit by the falling dollar and growing inflation in that country.

Some Filipinos working overseas have already been displaced through bankruptcy, redundancy, restructuring and reduction in workload. The Philippines government has now created a "payback package" for its overseas foreign workers retrenched as a result of the global financial crisis.

Heavy losses: Some of the victims

● Ukrainian dry bulk and tanker operator **Industrial Carriers** filed for bankruptcy in October 2008 – it had operated with up to 52 ships under charter.

● Taiwanese box line **Yang Ming Marine Transport** laid off two containerships in 2008, with a further eight to follow by mid-2009.

● Singapore government-owned **Neptune Orient Lines** (NOL) and partners **MOL** and **Hyundai Merchant Marine** have taken 40 ships out of service, and NOL is reducing its containership capacity by up to 25 per cent on some routes.

● **Singapore Pacific International Lines** and Taiwanese **Wan Hai Lines** suspended their joint Asia-Europe service in December 2008.

● The long-haul container **CKYH Alliance**, which includes **Coscon**, **K Line**, **Yang Ming** and **Hanjin Shipping**, reduced its weekly capacity from Asia to

North Europe by 9 per cent in November 2008, and Hanjin Shipping reduced its US-Europe service.

● The Danish-owned **Maersk** container shipping line – the biggest in the world – has cut its Asia-Europe, Asia-Central America and Transpacific services and is laying off up to eight of its twenty-foot-equivalent unit (TEU) vessels. The company saw a 3 per cent year-on-year fall in volumes on its Asia-Europe route in the third quarter of 2008 – following a 2 per cent fall in the second quarter of 2008 – the first year-on-year falls in volumes in the 40 years of container shipping on this route.

● **CMA CGM** and **China Shipping** are axing their joint Asia-Europe service.

● **Mediterranean Shipping Co** (MSC) – the world's second largest container line – has cut its Asia-Europe capacity by 5 per cent and suspended its route

between Asia and the Black Sea.

● South Korean **C&Line** ceased trading in October 2008 – its fleet had previously operated 24 chartered vessels on more than 20 intra-Asia routes.

● **NYK Line**, Japan's largest shipping firm by sales, is to cut its fleet expansion plan by around 25 per cent – 50 to 60 ships.

● Taiwanese **Evergreen Marine Corp Group** reported a 94 per cent slump in its 2008 third quarter net income.

● South Korean shipyards have been making heavy losses, with more expected.

● Japanese shipbuilder **Tsuji Heavy Industries** has filed for bankruptcy, with an apparent backlog of 46 ships on order.

● Leading UK ferry operators **P&O Ferries** and **Red Funnel** have cut trips and frozen recruitment.

Problems at sea?

● Are you having problems with getting your pay in full? If you are, this could be a sign that your company is in economic trouble. You should contact your union or your nearest ITF Inspector or the ITF directly on: +44 (20) 7940 9287.

● For background information on what to do if your ship is abandoned at sea, visit: www.itfseafarers.org-abandoned-seafarers.cfm

Seafarers begin to feel the pinch



next find work.” Fabrizio adds that the ITF is monitoring the market constantly, and has already helped a number of seafarers obtain unpaid wages and be repatriated to their home.

In the longer term, the industry could be hit as officers leave employment, creating future shortfalls in trained officers and crew when the economy picks up again. The ITF is reiterating the need for training of ships' officers, for now and for a brighter future.

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



Seafarers are suffering as the downturn hits jobs and wages.

Access denied

On 1 July 2009 the controversial International Ship and Port Facility Security Code (ISPS) will celebrate its fifth anniversary around the world. The implementation of this code has allowed seafarers to be treated as potential terrorists and has made them feel like criminals and that their role is undervalued.

Following the terror attacks in America on 11 September 2001 the USA pushed through the code to intensify safety standards in international ports, as well as on board ships of more than 500 gross tons. It did this very successfully: at the end of 2002 the code was already accepted as the ISPS. It has since become a component of the international convention Safety of Life at Sea (SOLAS) and from 1 July 2004 has been obligatory on ships and port facilities.

Since the introduction of the code the working conditions of seafarers have changed

Seafarers are finding it ever more difficult to move freely, because of the ISPS code. ROY PAUL reports.

noticeably. In particular, seafarers who originate from Muslim countries have found their movements restricted. Large parts of the ports have also become restricted areas. In some cases this has made life very difficult for seafarers, as many ports interpret the code in their own way. While seafarers remain an essential part of the operation of ships, some port operators have not included them in their interpretation of how to implement the code.

Rev Jan Oltmanns is chaplain of one of the largest seafarers' centres, "Duckdalben" in Hamburg, where more than 100 guests from a total of 156 countries visit daily. He says: "The seafarers are the ones most strongly affected by the ISPS code. They tell us that as well as having less time in port they now have to go through controls which are similar to those at airports, which travellers going on vacation or business



Duckdalben



Hamburg chaplain Jan Oltmanns talks to a seafarer through a gate.

A seafarer's lament

Sinarajah Govindasamy is a Malaysian singer, composer, entertainer and magician who has performed in south east Asia and many other parts of the world under his stage name of Sina. He has been a member of the Duckdalben staff since the opening of the centre in 1986. After the introduction of ISPS he spoke to many seafarers of Muslim origin and heard their complaints.

He says: "I spoke to Indonesian seafarers and found out that they are also confronted sometimes with the ISPS code. So I wrote this song. My songs are based on peace and it is also my point that if seafarers come from a country where there is war taking place, it affects them or disturbs them with their daily life, with worries of the well being of their families and friends back home." Sina has sent copies of his song to world leaders including the then US President Bush and he will now send it to President Obama.

Sina says: "I was watching CNN and President Obama said in his election campaign that he plans to protect the borders of the USA and the port of New York with more effort with security against terrorism. Seafarers are not terrorists; they just want to earn their daily bread and to support their family. I will remind the president that when he drinks a cup of coffee in the morning that maybe the coffee was transported by a ship which seafarers are working on and he should also remember that 95 per cent of world cargo is transported by ships and seafarers."

Seafarers can hear the song performed on the internet at www.duckdalben.de/duckdalben/downloads/



ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT THE GERMAN SEAMEN'S MISSION“

ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT DUCKDALBEN IN HAMBURG“

SAILING FROM EAST TO WEST
ALWAYS DOING MY BEST
HELPING THE WORLD'S ECONOMY
BY EARNING A BIT OF MONEY
BUT NOW WE ARE IMPRISONED IN THE PORTS
WITH NO ACCESS TO THE FOLKS

ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT THE GERMAN SEAMEN'S MISSION“

ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT DUCKDALBEN IN HAMBURG“

WORKING DAY AND NIGHT
NOBODY WANTS TO HEAR OUR PLIGHT
IT'S THE SEAMEN'S MISSION
WITH ITS GOOD VISION
WHO HAS EARS TO LISTEN TO US
AND HELPS US BY CONSIDERING US

ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT THE GERMAN SEAMEN'S MISSION“

ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT DUCKDALBEN IN HAMBURG“

IT'S ONLY AFTER THE 11th OF SEPTEMBER
LAWS WERE PASSED AS I CAN REMEMBER
IT'S MY HUMAN RIGHTS
OF WHICH I AM DEPRIVED
I AM NO TERRORIST OR CRAZY BEAST
PLEASE STOP THIS BLOODY PREJUDICE

ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT THE GERMAN SEAMEN'S MISSION“

ISPS ISPS STOP IT
I AM JUST A SEAMAN LOOKING FOR SOME FUN
„AT DUCKDALBEN IN HAMBURG“

PLEASE DO NOT MISUSE THE ISPS CODE AGAINST INNOCENT SEAMEN

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*New security measures
make it harder for
visitors to get on board.*



Access denied



trips have to go through. Many people have experienced such airport checks and the time they take and delays they cause. How would they feel if such checks were done every time they left or entered their own dwelling and workplace? Thus the feeling develops among many seafarers that they have become ‘criminalised’ by the ISPS code.”

Many chaplains have raised their concerns about what the ISPS code means for seafarers in their everyday life. It means that with their international minimum wage they are forced to make expensive mobile telephone calls to their family because the shore side telephone boxes are separated from them by fences. Access to the accommodation is made more difficult and on board their safety equipment is also locked because “public security” ranks before the security of the seafarers working on board.

On each ship the crew members have fewer opportunities to go ashore as they must now spend their time in port on gangway watch, making lists of visitors and handing out security passes. They have to do this as it saves the cost of a security guard. Sometimes this means blocking the way of union or welfare official visitors to their fellow crew members on the orders of a company which says that having no visitors makes the ship secure. Greater problems arise for seafarers if the ship sails close to their home port and their families are

prevented from visiting them on board. It was reported that, in one port, the security guards were making seafarers’ wives pay for port passes to get on board the ship. The fee that they charged was four times more than the official cost of the passes.

There are practical dangers as well, as the fences and walkways have been built too close to the quayside so as not to take up essential container storage space. So there is a constant danger of seafarers slipping into the water,

“Many chaplains have raised their concerns about what the ISPS code means for seafarers in their everyday life.”

especially when it is slippery underfoot or when it is dark.

So let’s hope that governments and port authorities will re-examine their interpretation of the code. They should realise that seafarers are part of the war against terrorism and so should be treated with the respect and dignity they deserve. In a survey carried out by the ITF one year after the code’s implementation, 58 per cent of seafarer union respondents said that shore leave had been denied – particular problems were experienced in US ports. This was despite the fact that the ISPS code clearly stipulates that states should pay “due cognisance” to seafarers’ need for shore leave and access to shore-based seafarer welfare facilities, including medical care.

The ITF is introducing a new reporting system which will involve asking ITF Inspectors to record cases of seafarers being denied access to shore leave or prevented from leaving their ship. Jon Whitlow, ITF Seafarers’ Section Secretary, said: “Improvements in security in the maritime sector must be implemented in a way that safeguards the human rights of seafarers. This includes their ability to secure shore leave. The new reporting system will show us the extent of the problem and help us ensure that the ISPS code and other security related measures are properly implemented.”

● *Seafarers can join in the debate and report occasions when they are denied shore leave by logging on to www.itfseafarers.org*

● *Roy Paul is the Assistant Administrative Officer of the ITF Seafarers’ Trust.*

Indian seafarers get active

Seafarers in India could benefit from a new initiative to boost the power of the ITF inspectorate in the region. A new flag of convenience (FOC) campaign training programme is empowering local trade unionists to conduct inspections, and ensure that working conditions are good enough.

Increasing numbers of seafarers are starting to work in the Indian subcontinent, with more than 70,000 Indian seafarers actively employed on all types of vessels, national and FOC-flagged.

Despite the economic downturn, India is still a key player in the overall growth of the world economy. There is a strong demand for the export and import of raw resources, as well as manufactured goods. These factors have led to an increase in shipping activity to transport the goods to, from and within India. Further growth in the numbers of seafarers in this region is anticipated.

This means that there is an increasing demand for both assistance and information from the ITF (FOC) India/Sri Lanka Inspectorate. ITF-affiliated unions in the region had asked for additional training of activists, to enhance the FOC campaign at the grassroots. The ITF was more than happy to oblige.

Developing union activists

The training programme aims to develop local union activists from dockers' and seafarers' unions. They need to:

- Have an understanding of the ITF flag of convenience campaign.

Right: Participants at an ITF activist training session.

FINLAY McINTOSH reports on a new activist training programme for Indian seafarers.

- Be familiar with the ways that activists can respond to and assist seafarers.
- Understand the role of the FOC campaign and how it impacts on dockers (mutual solidarity).
- Identify dedicated activists who are interested in developing their potential on the FOC campaign.

It is important that the knowledge of our existing ITF Inspectors is used, so they can teach and pass on their experience to the activists. The continued success of the Indian inspectorate is dependent on educating dockers and seafarers on why they should support, and be active, in the FOC campaign.

FOC vessels with ITF-acceptable agreements need to be inspected to ensure compliance; those without need pressure to ensure that their owners cover them with ITF-acceptable agreements.

Positive response

The ITF received a very positive response from the activists – some of whom have been involved in past FOC weeks of action and appreciated the opportunity of improving their knowledge of the FOC campaign. They found it especially beneficial as the Indian Inspectors conducted the training in the local dialects of Malayalam (Kochi) and Tamil (Chennai). The Inspectors also played a very

positive role in passing on their knowledge and experience, which resulted in useful discussions on the FOC campaign and conducting a ship inspection.

“The main advantage of the training was in the absence of an ITF Inspector and for other FOC activities, a trained activist could board a vessel and assist the seafarer or seafarers,” said Inspector Thomas Sebastian. “The feedback received from the activists revealed that they gained confidence to board a vessel. The use of the local language was hailed by all participants.”

The training also achieved the signing of two vessels, ensuring that the seafarers are covered by ITF-acceptable agreements in the port of Chennai and in the port of Kochi. Two Indian-flag vessels agreed to have their vessels sign national agreements with the local union covering the crew members.

Mahendra Sharma, ITF assistant regional secretary, said his office was committed to building capacity in local unions to protect seafarers from exploitation by shipowners, including low wages and abandonment. “We have plans to develop a large pool of trained union activists to inspect all the flag of convenience vessels in the region,” he said.

● *Finlay McIntosh is on the Actions Team, Maritime Operations Department, at the ITF.*



“We have plans to develop a large pool of trained union activists to inspect all the flag of convenience vessels in the region.”



ITF Inspectors

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

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ANTIGUA AND BARBUDA



BAHAMAS



BARBADOS



BELIZE



BERMUDA



BOLIVIA



BURMA/MYANMAR



CAMBODIA



CAYMAN ISLANDS



COMOROS



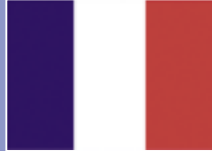
CYPRUS



EQUATORIAL GUINEA



FRANCE (second register)



GEORGIA



GERMANY (second register)



GIBRALTAR



HONDURAS



JAMAICA



LEBANON



LIBERIA



MALTA



MARSHALL ISLANDS



NO PLACE TO HIDE.

Flags of convenience



MAURITIUS



MONGOLIA



NETHERLANDS ANTILLES



NORTH KOREA



PANAMA



SÃO TOMÉ & PRÍNCIPE



SRI LANKA



ST. VINCENT & THE GRENADINES



TONGA



VANUATU



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

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

World fleet

Top 35 flag fleets

(ranked by tonnage, as at 1 January 2008)

	No. of ships (over 100gt)	Gross tonnage (millions)	GT (m) 1 January 2007	Average age (ships)
1 Panama*	7,605	168.2	155.0	19
2 Liberia*	2,171	76.6	68.4	12
3 Bahamas*	1,430	43.7	40.8	15
4 Singapore	2,257	36.3	32.2	10
5 Marshall Islands*	1,099	36.0	32.8	10
6 Hong Kong (China)	1,242	35.8	32.7	12
7 Greece	1,478	35.7	32.0	22
8 Malta*	1,421	27.8	24.8	16
9 China	3,799	24.9	23.5	23
10 Cyprus*	985	19.0	19.0	14
11 Norway (NIS second register)	598	14.7	14.8	16
12 United Kingdom	1,637	13.4	12.1	20
13 South Korea	2,946	13.1	10.5	25
14 Italy	1,564	13.0	12.6	22
15 Germany	885	12.9	11.4	21
16 Japan	6,519	12.8	12.8	15
17 United States	6,416	11.3	11.1	26
18 Bermuda* (United Kingdom)	152	9.2	8.4	12
19 India	1,417	9.2	8.4	18
20 Denmark (DIS second register)	435	9.0	8.2	17
21 Antigua and Barbuda*	1,130	8.6	7.9	11
22 Russia	3,481	7.6	8.0	24
23 Malaysia	1,151	7.0	6.4	16
24 Netherlands	1,258	6.1	5.8	17
25 St Vincent*	1,048	5.9	6.1	25
26 Indonesia	4,469	5.7	5.3	21
27 Philippines	1,840	5.1	5.1	28
28 Turkey	1,252	5.0	4.8	25
29 Sweden	572	4.0	3.9	32
30 Iran	508	3.6	5.2	22
31 Norway	1,490	3.4	3.4	26
32 Thailand	858	2.8	2.9	26
33 Canada	927	2.8	2.8	31
34 Taiwan	629	2.7	2.8	26
35 Kuwait	212	2.4	2.2	24
World total	97,504	774.9	721.9	22

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

Top 35 shipowning countries

(ranked by tonnage, as at 1 January 2008)

	No. of ships (over 1,000gt)	Gross tonnage (millions)	Average age (ships)
1 Japan	3,526	110.0	9
2 Greece	3,121	103.3	16
3 Germany	3,223	69.2	8
4 China	3,317	54.3	20
5 United States	1,760	35.4	18
6 Norway	1,825	33.7	15
7 South Korea	1,136	23.5	17
8 Denmark	856	21.2	12
9 Hong Kong (China)	650	20.1	12
10 United Kingdom	865	20.1	13
11 Singapore	869	17.7	15
12 Taiwan	589	17.5	13
13 Italy	771	14.3	16
14 Russia	2,129	13.8	24
15 Canada	418	12.1	21
16 India	538	9.7	17
17 Malaysia	393	8.9	16
18 Turkey	1,024	8.5	19
19 Belgium	234	7.3	14
20 Saudi Arabia	165	7.3	15
21 Sweden	364	7.1	14
22 United Arab Emirates	425	6.5	21
23 France	358	6.4	11
24 Netherlands	755	6.2	13
25 Iran	179	5.9	16
26 Indonesia	850	5.3	23
27 Spain	377	3.5	17
28 Kuwait	69	3.4	16
29 Switzerland	161	2.9	15
30 Thailand	342	2.7	23
31 Brazil	143	2.5	22
32 Ukraine	469	2.3	25
33 Finland	140	2.1	17
34 Israel	72	2.0	18
35 Monaco	73	1.9	17
World total	41,184	756.1	22

Source: Lloyd's Register of Shipping.

There are up to 1,200 undocumented Burmese fishers on the Indonesian island of Tual. Many of them have escaped extreme violence.



“He was faced with a stark choice: stay on his fishing boat and die, or jump ship when it docked at Tual.”

Murder at sea

From the air, the view of Tual Island is idyllic. It is fringed by coconut trees and pearly-white beaches and set on the azure calm of Indonesia’s far eastern Banda Sea. But for many hundreds of Burmese fishers, trapped below, Tual has become a virtual prison.

From the findings of a recent ITF mission to the island, there could be anything from 700 to 1,200 undocumented runaway Burmese seafarers on Tual and its surrounding islands, which lie almost 3,000 kilometres east of the Indonesian capital, Jakarta.

They have fled murder on the high seas and brutal working conditions to find relative safety in Indonesia; but they live in constant fear of arrest and deportation back to Thailand or the military dictatorship of their homeland.

Many of the abandoned seafarers, among them Soe Min and his friend Saing Winna, eke out a precarious existence by foraging or farming in the forested interior of the island. For them, this remote, little-known island, thousands of kilometres from their military-ruled homeland, is not a paradise.

“We stay here because we’ve got no options. We don’t want to stay in another country. Everyone wants to go back home,” said Winna.

“The Burmese here have got a lot of problems,” said Min. “Not small problems, big problems. They’re missing Burma and facing a lot of hardship. I’ve seen people

DAVID BROWNE reports on the shocking abuses faced by Burmese fishers.

break down, laughing and crying, in front of me. It’s the way they feel.”

Soe Min, who said he was faced with a stark choice: stay on his fishing boat and die, or jump ship when it docked at Tual, has emerged as a leader of the exiled fishers; bolstered by his marriage to Popi, a local woman who owns a small house in a nearby village.

Brutality on board

We met Min and a group of eight other Burmese migrant fishers in a forest hideaway. Aged 33, of medium height and powerfully built, he deserted the Burmese army and fled the country after he was ordered to massacre innocent villagers.

“Whenever we entered a village, you could say that village had a problem,” he said. “There was fighting and shooting. The commander ordered us to kill every man in the village and burn it down. We had to follow his orders. Some people didn’t know anything at all. They were only 15-year-old boys. We killed them all.”

But at sea, working illegally aboard a Thai

Fishers



Union leader Aung Thu Ya (left): "It's clear these are crimes."

Soe Min (right): friend was beaten to death.

Saing Winna (far right): sold into slavery.



Murder at sea



fishing boat, with false Thai papers and only a vague promise of wages, Min entered a world as brutal as the one he had fled.

He recalled the murder of a friend at sea.

"Ever since we'd left Thailand my friend had been seasick, and he was not familiar with the work. The skipper didn't like him at all. My friend couldn't speak Thai, so he couldn't understand what the skipper told him.

"Water was running around the deck and a squid had dropped out of the basket. The captain shouted for him to pick it up, but he didn't understand. Then, the squid was washed overboard.

"The skipper just came down and hit him with a pipe. My friend raised his hand against the first blow and his hand broke. The second blow smashed his shoulder-blade.

"Then he hit the back of his head. He fell to the deck. There were other Thai workers near him. The skipper dropped the pipe, washed his hands and went back up to the wheelhouse. He ordered his people to throw him into the water. We saw he was still alive.

"When he went back to the wheelhouse, the skipper took the loudhailer and warned everyone: 'What are you looking at? Get back to work. If you want to end up like him, then behave like him!'"

And Soe Min witnessed another horrific murder by the Thai captain.

"A guy was defecating over the side of the boat," he said. "Some of the crew reported it to the skipper. The skipper came down, looked around, picked up a pipe, then he hit him only one time. We saw he was hit. But we didn't see exactly where he'd been hit. His body fell directly into the water.

"After that, whenever it was busy, everybody was terrified to shit or pee. Some people did it in their pants while they were working."

Saing Winna, aged 45, is unmarried and leads a solitary life on Tual. He is a member of Burma's ethnic minority Chin people, legendary jungle fighters who fought with the Allied forces against Japan in the Second World War; he escapes periodic police and immigration department dragnets by hiding in the forest.

"I think our Burmese boat people die like dogs and pigs. I was sold into slavery by brokers, who passed me from one hand to another. Eventually, I was sold to a fishing company in Mahachai, near Bangkok," he said.

"When I was on the boat a Thai cook beat one of our Burmese guys with an iron bar in front of my eyes. The skipper asked if the guy was dead or not. I told him: 'He hasn't died yet, leave him alone, I'll look after him.'

"The guy was hit at the back of his head and his brains spilled out. I grabbed him. He took an hour to die; the young guy took an hour to die.

"We can't go back to Burma, we have no contacts. When we have contacts we don't

have money. We've got a lot of difficulties back in Burma, so we can't go back."

Burmese diaspora

Tual's abandoned fishers are among the 3 million-strong Burmese diaspora, fleeing 60 years of civil war and, since the 1960s, a succession of brutal military regimes in their homeland. The ITF estimates there are over 250,000 Burmese migrant fishers, including female fish-processing workers, in Thailand's billion-dollar, export-driven fishing industry. But only 70,000 are legally registered.

Like Saing Winna, the majority of workers have been trafficked across the porous Thai-Burma border and sold from agent to agent within the Thai fishing mafia.

Once onboard a Thai fishing boat they are issued with false Thai documents, and work back-breaking 14 to 20-hour shifts for US\$50 a month. The lucky ones can get paid a US\$9,000 end-of-contract bonus; but only after a three to five-year voyage.

The president of the exiled, ITF-affiliated Seafarers' Union of Burma, Aung Thu Ya, who is based in Bangkok, accompanied us on our visit to Tual Island.

He said: "Thai captains and skippers are committing inhumane abuses against our Burmese seafarers. This cruel abuse is directed not just against individuals but against the mass of our people.

"Our country's current economic situation is very poor and much lower than Thailand's. That's why the Burmese people are being degraded and exploited. They are treating our

What is the situation in Burma?

A military dictatorship has ruled Burma for several decades. It is one of the worst human and trade union rights offenders in the world. There are not only forced labour and other serious human and trade union rights abuses on a large scale, there is no freedom of association and no democracy.

Source: ITUC

Why are migrant workers vulnerable?

Many Burmese fishers work in Thailand, in order to escape the conditions

outlined above. These migrant workers are extremely vulnerable to exploitation, particularly to extortion and physical abuse, at the hands of smugglers, employers, or the local police. Many workers are not paid the minimum wage, and are at the mercy of their employers.

What is the ITF doing to help Burmese fishers?

The ITF Fisheries Section committee adopted a resolution in April 2007 related to the horrific deaths of 39 Burmese fishers working on Thai fishing

vessels in Indonesian waters. The committee urged the Indonesian government to take action to prevent the perpetration of such appalling human rights abuses in its waters and called on the Thai authorities to take the appropriate sanctions against its nationals involved in the ruthless exploitation of migrant workers.

The ITF started a three-year organising project in far east Asia sponsored by the FES foundation in 2008. The project is focusing on the Philippines, Indonesia and Burmese fishers in Thailand, with the aim of improving the

working and living conditions of fishers in the region.

The ITF Fisheries Section and its affiliates are further trying to persuade the international community to assist in these efforts. They are also working through the ITF Seafarers' Trust with the relevant welfare organisations in developing appropriate projects to aid Burmese fishers.

The ITF Asia/Pacific region has organised several activities in the last few years in Thailand to improve the working and living conditions of migrant Burmese workers.

Burmese boat people in an unjust and abusive way. They torture our seafarers but their wealth and prosperity are based on us."

The ITF-affiliated Indonesian Seafarers' Union, the KPI, is now investigating the plight of Tual's abandoned Burmese migrant seafarers.

Passal Meli, KPI officer on Tual Island, said: "KPI is working very hard to monitor this situation. We get data and information from the harbour master; then we contact immigration, boat owners and employers and tell them to stop intimidation, beatings and crimes at sea. We are seafarers, they are seafarers.

"It's clear these are crimes, because no-one can kill other people. He needs to think that that's a human being and I'm a human being. We should live together. If a human murders another human, it's against the law: Indonesian law and international law. It's the same."

Indonesian authorities are slowly waking up to the abuses being suffered by migrant Burmese fishers working on Thai boats. Johannes Saija, chief immigration officer on Tual, told the ITF: "In the beginning, when they first come here, whether they are Burmese, Cambodian, Indian or Thai, they are all carrying Thai documents.

"Because of the violence they've suffered at the hands of the ship's boss, they don't want to go back to the ship. So they get off in Tual and make problems and local people report them to the immigration office and we arrest them and deport them.

"We feel sorry for them. Some are living in

the forest; some of them are living with local people. It's hard for them to get food, so it's better for them if immigration take them, bring them here and send them home to their country."

Immigration detention cells

Despite its grand offices, Tual's immigration department only has the funding and resources to hold a dozen detainees at any given time. And, in a bitter irony, the department relies on the dubious goodwill of Thai maritime bosses to ship the deportees back to Thailand, only to renew the cycle of vengeance.

Interviewed in Tual immigration detention cells, Phyo Maung Maung, aged 24, said he jumped ship and hid on Tual for four months before being arrested.

"We will go back by Thai boat. We can't imagine what problems we might face," he said.

And fellow Burmese detainee Ko Yasha was clearly distraught at the prospect of being torn away from his local wife and two young daughters.

"One is two years old, the other is just over one. I have to send them to school and my wife has no job. I'm the only breadwinner," he pleaded. "I feel so sad for my kids. I will come back if they don't arrest me again. We don't know whether they will beat us, kick us, or kill us on the sea. We'll be lucky to arrive in one piece."

● David Browne is a freelance journalist and investigative reporter.

"We don't know whether they will beat us, kick us, or kill us on the sea. We'll be lucky to arrive in one piece."



International Transport Workers' Federation

Do you need help? If so, send us this fax...

To: ITF Actions Team, Maritime Operations Department (fax: +44 20 7940 9285 or +44 20 7357 7871)

Re: Seafarer request for assistance

Your details

Your name (will be treated in confidence)

Your contact number(s)

Your position on board (for example, AB)

Your nationality

Details of the ship

Ship name

Type of ship

Flag

IMO number

Current location of the ship

Next port of call + ETA

Number of crew /
nationalities

Type of cargo /
quantity on board

Name of shipowner /
operator

What is the problem?

Describe the problem (giving as much detail as possible)

How long have you been experiencing this problem?

Are there others experiencing similar problems on board? (Please give details)

How long have you been on board this ship?

What kind of help are you looking for? (for example, recovery of wages, repatriation etc)



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

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

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

Captain Jasprit Chawla and chief officer Syam Chetan have had a terrible year by anyone's standards. The two officers have been detained in Korea since December 2007, after an oil spill which it is widely agreed was not their fault. They were exonerated, released, and then detained yet again while the prosecution appealed. The second time round, the two were found guilty. Despite widespread condemnation, the Korean authorities kept the officers locked up and away from their families.

The campaign to release these officers has seen the ITF and the shipping industry work together to an unprecedented degree. The company that employs the officers, V Ships, has supported the officers throughout their continuing ordeal. The ITF, shipping industry bodies and the Indian seafarers' unions have all shown their opposition to the decisions made by the Korean judiciary. Many trade unionists and others have launched protests, including a blog expressing disgust, and a YouTube video showing the collision with an explanation of the ridiculousness of the charges brought against the men.

The actions of the ITF and the shipping industry finally put pressure on the Korean government to release the so-called Hebei Two on bail in January this year, while supreme court judges decide their fate. At the time of going to press, the decision had not been made and the ITF was continuing to campaign for the two to be allowed home. This is the full story.

15 months of hell

7 December 2007: A tug-towed crane barge owned by Samsung Heavy Industries collided with the anchored very large crude carrier (VLCC) *Hebei Spirit* after the cable linking it to the tug snapped in the seas. No casualties were reported, but the collision punctured three of the five tanks aboard the VLCC and resulted in the leaking of some 10,800 tonnes of oil. The *Hebei Spirit* officers were held in Korea, pending a trial.

24 June 2008: The trial concluded. The *Hebei Spirit* officers were exonerated, as were the personnel on the barge. The two tug captains were found guilty. Samsung Heavy Industries was also fined. Despite their exoneration, the *Hebei Spirit's* captain and chief officer continued to be detained in Korea, because the prosecutors appealed against the decision, which then pushed the case up to the next court.

Support the Hebei Two

The ITF and the shipping industry have worked together to get the Hebei Two out of jail, but the campaign is not over yet, says NICHOLA SMITH.

7 July 2008: The ITF appealed to the South Korean authorities to allow the two to return home. Backed by V Ships, the men gave assurances that they would return for the next trial.

ITF maritime coordinator Stephen Cotton said: "Captain Chawla and chief officer Chetan have asked to be able to go home. We can see no possible reason why they should not be allowed to do so."

The ITF worked with other industry bodies, including Bimco, the International Chamber of Shipping, the International Shipping Federation, Intercargo, Intertanko, the International Group of P&I Clubs and the Hong

Kong Shipowners' Association, on a vigorous protest.

They issued a joint statement conveying their surprise and great concern at the news of the Korean court decision, calling it "unjustified, unreasonable and in contravention of the men's rights", making it clear that they would continue to campaign for the officers' release. This was an unusual step for shipping industry bodies as they usually keep out of such matters, not wanting to interfere with state sovereignty.

July-November 2008: The Korean court would not be moved and the officers remained

"They were exonerated, released, and then detained yet again while the prosecution appealed. The second time round, the two were found guilty. Despite widespread condemnation, the Korean authorities kept the officers locked up and away from their families."



Syam Chetan (second from left) and Jasprit Chawla (second from right) with their families.

detained many miles away from their Indian homes and families. The two officers were worried about the reaction to the news back home, and whether their families could cope with the stress of their further detention. Chetan missed his son's first birthday.

The unjust actions of the Korean court were beginning to take their toll on the innocent seafarers as they started to worry about what life would be like once they were allowed to return home.

Meanwhile, the protests continued. ITF general secretary David Cockroft met justice ministry officials in Seoul on the men's behalf.

In India, seafarers' unions organised a joint demonstration in Mumbai. The protest resulted in an Indian government pledge to take up their plight with the Korean government and the UN's International Maritime Organization (IMO), and a promise from the Korean consul to raise the matter in Seoul. Abdulgani Serang, general secretary of the National Union of Seafarers of India, along with colleagues in the other Indian seafarers' unions, made sure the plight of the Hebei Two was kept high on union agendas across the world.

19 November 2008: The ITF seafarers' section conference resolved to make "every effort to secure the immediate release of the captain and chief officer of the *Hebei Spirit* and an end to the injustice they have been subjected to".

Later the same month, maritime trade unions and shipping companies jointly condemned the ongoing detention of the two officers and their treatment. They pledged to do all they could to secure their release. Both

parties stated that since the collision and the ensuing oil spill could not be attributed to any negligence on the officers' part and since they had already been proven innocent under South Korean law, their treatment was unlawful and unjust and contravened their human rights.

26 November 2008: At the opening of the IMO maritime safety committee meeting in London, the ITF backed strong interventions in favour of the detained officers from India, Hong Kong and China, stating: "We sympathise with those in South Korea affected by the oil spill but are conscious that captain Chawla and chief officer Chetan have been found innocent of causing last December's spill. We accept that the Korean government cannot interfere with the judicial system but call on them to do everything possible to enable the seafarers to be repatriated as soon as possible. Seafarers throughout the world and their representatives are deeply concerned at the unjust treatment of these men."

10 December 2008: The verdict of the trial was announced. In the run-up to the decision, maritime unions around the world had pledged their support by attending Korean embassies in their own countries and handing over letters of protest to the authorities and the government of Korea, as well as staging demonstrations.

Despite these actions, Chawla and Chetan were found guilty and sentenced to 18 months and eight months respectively.

The condemnation of this verdict was vehement. For the ITF, Cotton said: "This is not justice. It's not even something close. What we

have seen today is scapegoating and a refusal to consider the wider body of evidence that calls into question the propriety of the court. This decision is incomprehensibly vindictive." This sentiment was echoed by the rest of the industry.

14 January 2009: The ITF and the shipping industry decided to put further pressure on the Korean government. They announced a joint protest rally in London, along with international diplomatic and campaign activities. Just one day after the rally was announced, the supreme court released the two men on bail.

February 2009: Speaking just after his release on bail, Chawla said: "We are relieved to be out of jail, it is much better to be out on bail." The two men had heard about the campaign to free them and the efforts of the Indian unions, the Indian government, the ITF and its affiliates. "Thank you all for your ongoing support. We were really very encouraged by it throughout this time and could not get through this difficulty without it," Chawla stated.

The men are still not home at the time of writing but all are hopeful that the international spotlight will remain on Korea, which will encourage the supreme court to make the right decision and clear these men of all legal blemish so they can return home. As Chawla said: "All we hope for is that we can go home and be with our families."

● *Nichola Smith is a Section Assistant in the Agreements Team in the Maritime Operations Department at ITF head office.*



Dockers in south east Asia show their support for seafarers by delaying work during a recent week of action.

Dockers, stevedores, longshoremen and wharfies – the name may vary between countries, even in English, but the skilled job of cargo handling is one that seafarers have traditionally respected, despite the pressures on them to handle cargo themselves. Dockers’ and seafarers’ unions agree that seafarers should use their skills in sailing the ships and bringing them to port, and that dockers should use their skills in handling and unloading the cargo they carry. That is recognised in the ITF collective agreement, which states that ships’ crews should not be required to handle cargo.

The organisation of dockers into unions to protect and extend their working rights has a long, and often militant, history. One of the earliest examples was the London dock strike of 1886, when the then exploited workforce demanded the “docker’s tanner” – payment of sixpence an hour. Not only were the strikers successful, but their action laid the basis for the recruitment of casual workers into unions, and development of the Transport and General Workers’ Union, which was to become one of the largest and most powerful unions in Great Britain.

One of the earliest examples of dockers and seafarers working in solidarity was during the Rotterdam dockers’ strike in 1896. Frank Leys, Secretary of the ITF Dockers’ Section and a former dockworker in Antwerp, points out that the issues then were as now – the introduction of “new” technology. At the end of the 19th century

Together

the new technology was the use of cranes to unload cargo. In the Rotterdam strike, the dockworkers called on their European colleagues to support them, and crew on British ships refused to handle cargo. The solidarity action led to the formation of the International Federation of Ship, Dock and River Workers, the predecessor of the ITF.

“Cargo handling has become even more of a skilled trade since then,” says Frank, and one that uses an increasing array of technology. One result is that the dock workforce has reduced as technology has replaced most of the heavy labour. “The dock workforce in Antwerp, for example, has halved to about 7,000 since I worked there 20 years ago.”

Technology has also transformed work on ships. “The ships are getting bigger, and the crews are getting smaller,” he points out. But the application of new technology should be used for the benefit of the workers involved – not to exploit them.

“Seafarers should not be forced to handle

BRENDA KIRSCH looks at the historical link between seafarers and dockers in union action.

Solidarity in the ports

Dockers and seafarers work together in joint campaigns, such as ITF weeks of action aimed at flag of convenience ships.

During the Baltic week of action last October, a demonstration by seafarers and dockers in Germany led to the owners of the Swedish-flagged *Stena Carrier* agreeing not to order seafarers to do traditional dock work.

"The vessel regularly trades between Sweden and Germany," says Dongli Hur of the ITF. "In the past, lashing was done by dockers together with seafarers. However, *Stena* had started to order their seafarers to do the lashing without the dockers. Following the

request of the dockers' union, the ITF week of action German team held a one-hour rally against the company.

"Together with negotiation, the company agreed that they will not order seafarers to do traditional dockers' work – a victory for both seafarers and dockers."

Dongli adds that the week of action involved seafarers' and dockers' activists and union officials from 10 countries. "Not only did seafarers and dockers learn from each other, but the action also demonstrated a close working relationship among seafarers and dockers. This sent out a clear message to shipowners that

when workers are united, we will never be defeated."

During a week of action in south east Asia in November 2008, Indonesian dockers showed their solidarity by delaying work on a Japanese-owned vessel that ITF Inspectors found had no contract with the Japanese Seamen's Union (JSU). Following four hours of talks involving the ITF, unions and the ship's owners and charterers, an agreement was signed.

Dockers also joined seafarers in protests and rallies in South Korea, and in Kobe and Osaka, in Japan, dockers stopped loading/unloading work on ships owned by KK, another target of action.

we stand

cargo," says Frank. "There are the risks of fatigue when they come into port, and shorter turn-round times already jeopardise decent rest periods. They should not be asked to do dockers' work, which should be done by those who are trained and have the correct protective equipment."

Conventions and campaigns

Dock work and cargo handling are recognised in

two conventions agreed by the International Labour Organization (ILO) – convention 152 Occupational Health and Safety (Dock Work) and 137 (Dock Work Convention). These have been ratified by 26 and 24 states respectively. Frank Leys points out that the low number of ratifications does not mean that governments do not support protected working conditions for dockers, but that health and safety matters often fall to regional and local rather than national

state jurisdiction. Many of the clauses in C152 and C137 have also been translated into national legislation, as well as company policy, he reports.

That's not to say that there aren't those seeking to cut corners when it comes to workers' rights. In 2006 there was a move to introduce a new European Union directive to permit ships' crews to unload cargo, but that was seen off following "serious pressure from the dockers of the European Union", reports Leys. "By sticking together, and showing that they were proud to be dockers, this was defeated."

The ITF Dockers' Section runs a "ports of convenience" campaign to set acceptable standards for dockers in ports around the world. The growth of privatisation and globalisation means that just four international companies now handle 58 per cent of the throughput through the world's ports. The companies are Dubai Ports World, PSA (Port of Singapore Authority) International, AP Møller-Maersk and Hutchison Port Holdings.

The campaign seeks to protect dockers and their working conditions in the face of casualisation, privatisation and new technology. Health and safety is an issue where employers and employees can and must join forces.

As Leys says: "If there are no dockers left, who will be there to lend a hand when you are in trouble?"

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

● If you are asked to do dock work...

● If you are asked to lash, secure, load/unload or otherwise handle cargo...

you should contact your TRADE UNION OR THE NEAREST ITF INSPECTOR.



The ITF Seafarers' Trust is a charity dedicated to the benefit of the world's seafarers. For 28 years the trust has been giving grants for buildings, minibuses, equipment and facilities for seafarers. When you visit a port, look out for stickers on equipment that the trust has bought for the seafarers' centres and ship visitors.

A survey of 4,000 seafarers in 2007 told us what seafarers calling in port most need: communication facilities for cheap international calls and email; free transport and information on the facilities available in or close to the port (location of telephones, shops, taxis). On this basis we have concentrated our grant making on these areas and in 2008 have given almost £1 million for vehicles to transport seafarers.

Communication facilities for seafarers are best placed on board the ship. The ITF is working towards having personal, private and cheap access to phone calls and texts for seafarers on board their ship, but it will take time to do this and in the meantime we are committed to getting communication facilities into ports.

In some ports, seafarers' welfare is taken seriously, and good facilities are provided at reasonable cost through seafarers' centres, or through ship visitors providing transport into town. The trust is encouraging welfare agencies and port authorities to set up welfare facilities for seafarers in ports where there is nothing.

These agencies set up port welfare committees, which bring together local or national government representatives, unions, shipowners, churches, port authorities, agents, and others involved in the maritime sector. Together, they set up a local organisation which is able to deal with funds and employ ship visitors and drivers. While the trust will provide the initial funding to start this off, the local committee then needs to take it on and keep it going with funding of their own.

In Latin America, some ports have been transformed, and now have centres and ship visitors where before there was nothing. In the course of a four-year programme of the International Committee on Seafarers' Welfare we have set up seafarers' centres in the ports of Puerto Cortés, Honduras; Puerto Limón, Costa Rica; Balboa, Panama; Guayaquil, Ecuador; Buenaventura and Barranquilla in Colombia; and Ensenada in Mexico. In addition to these ports, where there were no facilities for seafarers before, we also improved the

A warm welcome

TOM HOLMER explains how the ITF Seafarers' Trust is helping to fund new seafarers' centres and communication projects.

existing facilities and services in the ports of Cartagena, Colombia and Progreso, Mexico.

All of these centres and the services that they offer are run by local committees, mainly with the support of volunteers from the local churches, and they visit ships and transport seafarers to the centre and to town. They are there to provide friendship and services which those who do not go to sea take for granted: communication with family and friends; having a drink with people who are not on the same ship; buying some necessities and souvenirs.

These seafarers' centres are not part of a large worldwide organisation, and the staff can feel quite isolated. The trust provides support for the staff, whether it is in the form of start-up funds to help meet the costs of running the centres when they are just starting off, or whether it is in the form of training courses where they are able to meet people with many years of experience in running seafarers' centres or pastoral care.

The ITF in Latin America is also active in helping to support these initiatives. The ITF Regional Secretary for Latin America, Antonio Fritz, who is himself a former seafarer, has provided valuable support from the regional centre in Rio. The change in this region has been tremendous. Five years ago there were almost no facilities in Latin America; now

there are several centres offering a wide range of services to all seafarers.

"This incredible change is a combination of will, determination, but also training and support thanks to a special project created by the ITF Seafarers' Trust," said Antonio Fritz. "That project helped to combine efforts and expertise to provide more and more services to seafarers visiting this region."

Other regions of the world have also been the target of trust funds to open and operate centres: Eastern Europe, the Indian Ocean, West Africa have all had programmes within the last ten years; and currently there are two programmes running in south Asia and south east Asia.

In all of these areas, you will find ports that previously had nothing to offer in terms of services to seafarers providing welfare facilities. This may take the shape of an internet café inside the port, or it may be a van to transport you into town, but it will be based on the number of, and the needs of, seafarers calling in that port.

As well as new projects, the trust is still providing assistance for the very good work done in established seafarers' centres. Recent projects include assistance with the refurbishment of the German seafarers' mission in Altona, Hamburg; a large grant to assist with the replacement of ageing vehicles for the ports in the UK; and vehicles and equipment for centres in Scandinavia and the USA. Currently it is not considered appropriate to provide large grants for big buildings, but for those which are still used well by seafarers the trust helps as it can.

- You will find more information about the ITF Seafarers' Trust at: www.itf.org.uk/seafarerstrust
- Is there a port you visit which does not have phones or email facilities and needs them? You can let us know about this, or contact us with any other comments or suggestions by emailing: <mailto:trust@itf.org.uk>

Tom Holmer is the Administrative Officer of the Seafarers' Trust.

Pictured left: Seafarers relax at a centre in the port of Barranquilla, Colombia.

"The Trust is encouraging welfare agencies and port authorities to set up welfare facilities for seafarers in ports where there is nothing."

Sirius Star ordeal

The *Sirius Star* was seized by Somali pirates last year.

MIKE GERBER spoke to a crew member about his 57 days of captivity.

When the VLCC *Sirius Star* was captured off Kenya, 25 crew members were held captive by Somali pirates. James Grady, a member of ITF affiliate Nautilus, was one of them.

The second engineer officer was one of two British seafarers – the other was chief engineer Peter French – taken hostage when the ship was seized off the coast of Kenya in November 2008.

The crew, which also included Polish, Saudi Arabian and Filipino nationals, were held captive on the ship, while ransom negotiations were thrashed out. The 318,000 dwt Vela International Marine-owned tanker ship was carrying about 2.2m barrels of oil worth some US\$100m, a tempting target for the pirates.

“It started on 15 November. By about 08:55 the pirates were onboard and at 09:12, there was an order from the bridge to stop,” recalls James. “It wasn’t a total surprise. They were first spotted about an hour before they got onboard, about two miles away, in a speedboat, specks in the ocean.”

What was surprising was where the invasion took place – some 450nm SE of Mombasa, far to the south of the world’s “hottest” pirate zone off Somalia.

“Initially we were all scared about what was going to happen next,” James said. “We had visions of being locked up in one cabin.”

But, to the crew’s relief, that never happened. However, the pirates soon got busy. “They started doing the stealing, going round the cabins taking mobile phones, cash, etc. They did that several times. I was visited five times by them personally,” said James. “I had hidden most of my stuff, but I lost about £100 in cash, various currencies, my wallet and watch.”

Pirate raids on the engineroom were less frequent. “We told them it was too dangerous to go round on their own, and they were always scared when they came down. They only came down about four times, just to rummage through drawers in the control room for mobile phones, cash, not tools. When they took mobile phones, they gave the sim card back. They weren’t interested in credit cards.”

The *Sirius Star* was made to sail some 500 miles to the pirates’ anchor zone. “Once we

were off Somalia, we didn’t know how many people were onboard, because we weren’t allowed outside, except about five minutes,” James said. “So we never got to see how many there were, but my guesstimate is there were about 20 to 25 at any one time. They did shifts; they changed about every four days. I think it was very much a cottage industry, no big cheese ashore, just the guys we could see. There were 33 left on the ship onboard in the last two days, because I took photos of them from the funnel.”

Relations with the pirates varied during the 57-day ordeal, but mostly they treated the crew members quite well, James feels. “We went about our normal daily business without too much trouble, running the engine as normal, jobs that they could not do. A lot of it was making up jobs to keep the lads busy, to keep their minds off the situation they were in.”

Colleagues on the bridge were under greater stress, James could see. “They [the pirates] were with them all the time, they slept up there, they ate up there. The bridge weren’t at all happy about it, were quite stressed about it, you could see it in them.

“These guys were going about with Kalashnikovs, and the guns would fall off their shoulder onto the deck. The biggest fear we had was that someone would get shot by accident. They shot one of their own guys by accident. We don’t know what happened to that guy, we heard a burst of automatic fire, and they brought him in to see the chief mate with an injury to his arm, the bullet still in it.”

Much of the time, the pirates chewed on a drug called mirra (or khat). This, says James, made them “spaced out” and calm. “When they had plenty of mirra, life was sweet. When they were without it, they were a bit more twitchy.”

The hairiest incident, he remembers, was on the night of 2 December. “There had been a shift change, five new guys onboard, and they thought they were being attacked from the stern.” What made them jumpy was that they had spotted a light flashing to the stern. In fact, the beam was coming from a lighthouse about 15 miles away.

“The biggest fear we had was that someone would get shot by accident. They shot one of their own guys by accident.”



“Stupid bandits,” says James. “The captain persuaded them it was a lighthouse because he showed them the chart. That night I was the duty engineer, and I got a phone call from the bridge, and when I got there I found the Somalis very, very nervous. It took a long time to persuade them – they always thought we were up to something. That was a very scary night; that really brought it home to us what they were. It calmed down again the next day.”

Crew members were worried about what their families were feeling. “They couldn’t see the day to day situation, and imagination runs away with you.”

Occasionally, the pirates allowed calls home from the bridge. “The primary thing to convey was that we were safe and in no immediate danger, because the pirates’ main thing was the ship; we were an inconvenience in a way,” James added.

“They were supplying their own food most of the time; towards the end they ate more and more of our food, but we were never short of food or water. The last few weeks they allowed us to go fishing, forward of the accommodation

on main deck. It did help the food last longer.”

The crew’s ordeal finally ended when US\$2m ransom money was air-dropped to the pirates. “We were aware of the negotiations, but weren’t party to it at any time. They [Vela] really were concerned about our safety – that really came across, because when the money was being dropped on 9 January, we were all on deck, 10ft apart so that the plane could count us to make sure we were all there, and then it passed a second time and dropped half the money by parachute into the sea. Then about two in the afternoon, the plane came back again with the second half of the money.

“Half of them departed about 16:30. Then there was a boat accident, one of their boats capsized. At the time we were told four guys were missing. Because the boat capsized, that delayed us. The remaining pirates left on 10 January.”

Seafarers tend to be stoical; James believes Peter French put it well in a *Mail on Sunday* interview: “At sea shit happens, and you deal with it.”

Even so, Vela has employed an occupational therapist to advise crew members about the possibility of post-traumatic stress.

“The doctor told us that sometimes this kind of thing can happen months later,” says James. “For the present, I know the five Europeans [crew members] are happy with their lot; the company has compensated us for the loss of personal gear and money.”

James said that he supports the deployment of more warships to deter piracy. But the *Sirius Star* crew were furious about an incident they learned about while being held hostage. “A German warship caught pirates, and on the orders of the German government, they disarmed them, according to the BBC, and sent them back to Somalia. This made us very annoyed that they should just disarm them and send them back, that they should let them off so lightly, because they just get new guns and come back again.”

● *This is an edited version of an article that originally appeared in the Nautilus Telegraph.*

Is piracy on the increase?

Maritime hijackings are at an all-time high, according to a report by the International Maritime Bureau’s Piracy Reporting Centre (PRC). The 2008 figures surpass all those recorded since the PRC began worldwide reporting in 1991.

What else has changed?

Piracy has always been a problem. But the attacks have increasingly been occurring in the Gulf of Aden, with 111 incidents reported in this area, an increase of nearly 200 per cent from 2007. All types of vessels

In dangerous waters

were targeted. The pirates were also better armed than in previous years and prepared to assault and injure the crew.

What is the ITF doing?

Seafarers covered by ITF collective bargaining agreements have always had special benefits when trading in areas declared as high risk or war zones. They are able to opt to disembark before their vessel

enters the area. If crews choose to sail into the area, they receive a bonus equal to 100 per cent of their basic wage while the vessel is in transit. In addition, the normal rates of death and disability compensation for seafarers are doubled.

Last year, the ITF and employer counterparts in the International Bargaining Forum agreed to extend the high risk area to cover the entire

Gulf of Aden. The high risk area is reviewed on a regular basis.

The ITF has a permanent presence at the International Maritime Organization and is continually lobbying alongside the industry for longer-term solutions to the problem of piracy.

● *For more information on piracy figures see: www.icc-ccs.org*
 ● *For help and advice see: www.itfseafarers.org/ITI-piracy.cfm*
 ● *To find out if your ship is covered by an ITF agreement see: www.itfseafarers.org/look_up_ship2.cfm*

Seven reasons to visit

Make sure your rights are respected

You can find advice and guidance on your rights under ITF agreements and international conventions. Visit here before you board...

Learn more about key issues

We have a series of factsheets for you to use on the most important issues: from piracy and criminalisation to shore leave and safety. If you need to know the basics, you'll find a great overview here. And, if you need more details, we'll point you in the right direction with other useful links and resources.

Keep up to date with maritime news

Our news section is updated at least once a week with the most relevant news for seafarers. Check back regularly to keep well informed on all the latest developments.



And this is how we've made

Simple layouts and navigation menus around the site make it easier to find what you need.

Related items feature groups together useful links and related documents so you get a comprehensive view of the issues.

Lookup a ship

You can look up a ship by name or IMO number. Our database will tell you whether or not the ship has an ITF agreement.

We recommend checking before you join the ship, where possible, as the system will also flag up any previous problems, such as unpaid wages.

Find an ITF Inspector or union

If you need assistance, an ITF Inspector can help. Or get in touch with your local ITF union to enquire about membership. Simply select a country from the list to find details of all the Inspectors and unions there.

Stay informed about the industry

The Inspectors' blog offers regular updates and advice. It provides information and opinion on the shipping industry from the Inspectors' point of view. Inspectors in different regions contribute to give their unique perspective.

Get in touch with other seafarers

Share information or discuss the issues on our Crew Talk forums. After a simple registration process, you can post anonymously and chat about issues that affect you with other seafarers.



made it even easier to use

ITF Seafarers is available in quick-loading, text-only format for users on a slow internet connection.

And, if you can't find what you need, you can search for it. The new search tool works like Google, so it's simple to use.

Test your knowledge



The ITF

1. What does ITF stand for?
2. When was the ITF established?
3. How many unions belong to the ITF?
4. Who is the ITF's General Secretary?
5. Can you name the eight sectors of the transport industry that the ITF represents?
6. Can the ITF find a job for me?
7. In which of the following does the ITF have offices?
 - a) Burkina Faso
 - b) Amman
 - c) Moscow
8. In 2008, how much money did the ITF recover for seafarers in owed wages?
 - a) US\$5.9 million
 - b) US\$9.1 million
 - c) US\$13.8 million
 - d) US\$18.8 million

Flags of convenience

9. What does FOC stand for?
10. What is the definition of an FOC ship?
11. What proportion of the world fleet sails under an FOC?
12. Which two FOC registries are landlocked countries without a coastline?
13. How many ITF Inspectors are there worldwide?
14. What was the name of the ITF's exhibition ship that sailed round the world to mark the 50th anniversary of the FOC campaign?

Seafaring knowledge

15. According to STCW 95, what is the minimum rest period a seafarer should have in any 24-hour period?
16. Which are the three biggest crewing nations?
17. By which authority do Filipino seafarers have to have their employment contracts stamped?
18. What is the name of the vessel involved in the case where two Indian seafarers have been criminalised by the Korean courts?
19. What do governments need to take into account when planning port security?
20. How can you ensure your employment rights will be better protected during a time of economic crisis?
 - a) Be nice to the boss
 - b) Join a union
 - c) Take any work you can get

1. International Transport Workers' Federation.
2. 1896.
3. 681 in 148 countries worldwide, representing 4.5 million transport workers.
4. David Cockroft.
5. Seafarers, civil aviation,

6. No. The ITF does not supply crews to shipping companies.
7. All of these.
8. d: US\$18.8 million.
9. Flag of convenience.
10. One that flies the flag of a country other than the country of ownership, management or crewing.
11. Approximately one third of the ships and one half of the tonnage.
12. Bolivia and Mongolia.
13. 125 in 45 countries.
14. *Global Mariner*.
15. 10 hours.
16. China (122,000), Philippines (120,000), Turkey (85,000).
17. POEA.

18. *Hebei Spirit*.
19. The fact the seafarers live and work on board ships and need shore leave and access to shore-based facilities, including medical care.
20. b: Join a union.

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Answers

MARITIME ACCIDENTS

*Seafarers
- be aware!*

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

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

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

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

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

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

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

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

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



ITF Seafarers

Your port of call online

www.itfseafarers.org



A website for seafarers from a source you can trust

Find out what
your rights are

Get information
on your ship

Learn where to get
help in a crisis

Discover what a
union can do for you

Link up online with
fellow seafarers

Get in touch
with the ITF

www.itfseafarers.org