



CAN YOU HEAR US?

Nearly one million sign up to demand end to piracy

A photograph showing several seafarers on the deck of a ship, holding up a large white banner with the text 'END PIRACY NOW' in bold black letters. The ship's superstructure is visible in the background, including a sign that says 'MSC SAVO'. The sky is clear and blue.

END PIRACY NOW

BILLOF RIGHTS

Progress towards putting the Maritime Labour Convention into force

NEW ERA

For the ITF campaign on flags of convenience



Alastair Fyfe

A helping hand for seafarers

The ITF flag of convenience campaign

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

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

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

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

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

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



www.itfseafarers.org

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The maritime industry, and the risks faced by seafarers who transport goods around the world, came to public attention twice during 2010 for two bad reasons.

One was a maritime disaster involving an explosion on the oil rig *Deepwater Horizon* off the US coast. Someone made a serious mistake, had inadequate training or was driven by management pressure to cut costs. The threat to wildlife and fisheries quickly hit the world's headlines. And, as so often when a major oil spill happens at sea, much less attention was paid to the 11 rig workers who paid for the failure in safety systems with their lives. The ITF's message is very clear. The human factor is crucial to safety. Respecting seafarers' rights, paying them a decent wage, making sure they are not too frightened to complain when they see unsafe practices and recognising genuine unions are all vital ingredients for a safe maritime industry.

And human risks were equally serious in the other maritime issue to hit the world's headlines – piracy. As the story on page 12 makes clear, an unprecedented coalition of the ITF together with all the major shipping organisations generated almost 1 million signatures on a petition to “End Piracy Now” which was presented to the secretary-general of the UN and the International Maritime Organisation on World Maritime Day. Unless urgent action is taken to stop pirate attacks, responsible shipowners may join with ITF unions to stop putting their seafarers at risk and will avoid the area off Somalia and the approaches to the Suez Canal altogether. If they do, it will have a major impact on the price of goods in the industrialised world and will make the public even more aware of just how much their lives depend on the people who go to sea.

David Cockroft
ITF general secretary

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ITF Seafarers' Bulletin

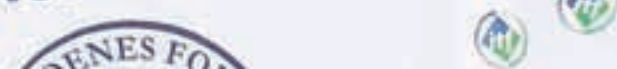
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STOP SUBSTANDARD SHIPS IN DANISH



Flag of convenience campaign

In August 2010 the ITF congress in Mexico City adopted a new policy for the flag of convenience campaign. **ANNA LLEWELLYN** gives an overview of the new policy and what it will mean for seafarers.

Entering a new era



The ITF's flag of convenience (FOC) campaign might be more than 60 years old, but it is definitely not about to retire. It is still as dynamic as ever. And the secret behind this vitality is that the campaign has constantly renewed itself and changed with the times.

This latest policy overhaul was the result of a four-year review. Carried out on the 50th anniversary of the launch of the campaign, it was a process designed to ensure that the campaign will continue to provide improvements for maritime workers in the 21st century.

Much has happened in the 12 years since the previous campaign review, which resulted in a report "From Oslo to Delhi". As well as changes and challenges to international law, globalisation has gathered pace, ownership structures have become more complex and there have been changes to international regulations, such as the introduction of the International Labour Organisation's Maritime Labour Convention – the "Seafarers' Bill of Rights" (see pages 30-32).

Another aim of the review was to look at how the ITF and its member unions can do a better job for workers in the maritime industry.

Union obligations

A key new feature of the Mexico City Policy, which has replaced the 1998 Delhi Policy, is the adoption of a new Seafarers' Charter. This sets out the minimum obligations to crew members that must be met by unions representing them under ITF collective agreements. It will come into force on 1 January 2012 and unions will need to be fully compliant by 2014.

Under the new policy, all unions must, as a minimum, provide seafarers with:

- a membership card
- a newsletter
- a contacts directory of union officials
- assistance with claims under the collective bargaining agreement
- participation rights

Mexico City Policy Five positives for seafarers

- ➔ Minimum obligations on unions to seafarers under ITF agreements
- ➔ Understandable ITF wage scales, clearly showing all the separate wage elements
- ➔ Improved transparency on how deferred benefit schemes are run
- ➔ Greater role for ITF labour supply unions, including bilateral agreements
- ➔ Increased mutual support between seafarers and dockers

What they say about the new policy



The Mexico City Policy is the outcome of a four-year, union-driven exercise to make the ITF's flag of convenience campaign effective, accountable and efficient in the changing world of shipping. It builds on the successes of the long-standing FOC campaign and will make it even more effective.

The policy will continue to establish closer relationships between seafarers and dockers and their unions and develop the methods that could be used to advance their interests.

It begins to address long-standing concerns about non-domiciled seafarers. And it includes an understanding that the ITF's engagement with national flag vessels is in partnership and in consultation with unions in those countries and reflects their concerns about protecting their own members.

Stephen Cotton
ITF maritime coordinator

“ The Mexico City Policy is the outcome of a four-year, union-driven exercise to make the ITF's flag of convenience campaign effective, accountable and efficient in the changing

“ We welcome that the new policy continues to highlight the principles of cooperation and mutual respect through the recognition of bilateral agreements.

Johnny Oca Jr
AMOSUP, Philippines

“ Traditional dock work must be given back to dockers by seafarers. Dockers will stand beside seafarers to help secure good wages and working conditions. It's a fair deal.

Niek Stam
FNV Bondgenoten, Netherlands

“ From the point of view of the beneficial ownership unions, the new policy has preserved the cornerstones of the old policy, namely the beneficial ownership principle and negotiation rights, and adapted these principles to a changing industry.

Tomas Abrahamsson
SEKO, Sweden

- visits by union representatives where possible
- information on the responsibilities of unions (where the agreement is signed by more than one union).

These minimum standards will ensure that seafarers covered by ITF agreements will not only benefit from ITF minimum pay levels and employment conditions, but will also have the direct support of the union that holds the agreement and the opportunity to have a say in union matters.

Transparent wages

Another new feature for seafarers is the adoption of a Funding and Audit Policy. As with the Seafarers' Charter, this policy comes into force in 2012, with a 2014 deadline for compliance. The aim is to ensure that seafarers understand and receive all the benefits that are due to them.

Under some ITF agreements, seafarers' total wages are made up of several different benefits in addition to the cash wages. These can include union-run provident funds, employer-run pension schemes and medical cover. The new policy will ensure that wage scales are set out in a way that seafarers themselves – and ITF inspectors checking compliance – can see clearly what each element of the wages is and how they get it, whether in cash or as a deferred benefit.

It will also mean that all deferred benefit funds and schemes that form part of the pay structure of any ITF agreement will have to be professionally audited. This will make sure that funds are properly managed by the union or company in question and

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ensure that seafarers receive the benefits they are entitled to.

Improvements for national flag crews

The ITF campaign has long been focused beyond FOCs and its objective is to eradicate substandard shipping and win improvements for all seafarers. However, the Mexico City Policy is the first time that the ITF has had a defined policy dealing with conditions for seafarers working on





- your rights
- maritime news
- contact the ITF
- advice on pay, jobs and safety
- look up a ship
- port profiles
- flags of convenience
- inspectors' blog
- crew talk forums

Keep in touch at sea or ashore

NOW IN CHINESE, RUSSIAN, SPANISH AND ENGLISH

With advice on preventing piracy attacks and on survival if taken hostage

Download the ITF guide "A Seafarers' Bill of Rights"

It's great – thanks ITF. **seahorse**

Website is great. I can practice my English and keep in touch with mates. **inday**

News snippets on the front page are always useful. **Ross**

This is a terrific site and, most importantly, ITF is the best for every worker in the world, especially seafarers. **sagos**

Good website. Find it really useful. **dcn**

Have your say

- Visit www.itfseafarers.org and...
- Tell us what you think about the new policy
- Find out if your ship is covered by an ITF agreement
- See what your pay and conditions should be
- Check which union covers your ship

Entering a new era

national flag ships. Minimum conditions now exist for non-domiciled seafarers employed on national flag vessels. National unions signing agreements for these ships will also work more closely with unions from the crew supply countries to ensure that all seafarers working on board are protected and represented.

Whilst the new policy cements the primary role of the unions in the ownership countries, it also promotes greater involvement from labour

supply unions and encourages the signing of ITF agreements by partner unions.

A new era of solidarity

The core principles and goals of the FOC campaign remain the same. But reviewing the policy has allowed the ITF to make them more explicit, for example the shared aims and mutual solidarity between seafarers and dockers. This is firmly at the heart of the campaign. The achievements of the campaign for seafarers would not have been possible without the active support of dock workers. Now dockers around the world are themselves under attack and ITF unions are beginning the fight-back with a campaign against ports of convenience, drawing on the lessons and successes of the FOC campaign.

Unless these two campaigns support each other, and unless seafarers stand united with dock workers, the end result will be disastrous for dockers and seafarers alike. With the policy changes agreed in Mexico City, the ITF's maritime unions have restated their determination to work together to secure a brighter future for all maritime workers, at sea and ashore.

● *Anna Llewellyn is the head of maritime policy implementation at ITF headquarters in London.*

David Heindel takes the helm



The new chair of the ITF seafarers' section says he is excited about the challenges ahead, including implementing the new Mexico City Policy on flags of convenience.

David Heindel (left), a national official with the

Seafarers' International Union of North America (SIUNA), was elected as section chair at the ITF's 2010 Congress in Mexico City.

"This is a great honour," he noted. "With the support of the ITF secretariat, its staff and the affiliate unions, we can achieve great things."

Since 1997 Heindel has been the secretary-treasurer of the US-based SIUNA, representing seafarers in the US and Canada. Born in New Orleans, he graduated in 1973 from a SIUNA-affiliated training facility and went to work on deep-sea vessels as an oiler, junior engineer and electrician. By 1980 he came ashore to work for the union, holding various positions before his current role.

In 2002 Heindel was elected as the vicechair of the ITF seafarers' section. Since then, he has worked extensively both within the US and in international forums such as the International Labour Organisation and the International Maritime Organisation. Focusing on shipboard and port security issues as well as the international project for a new seafarer's identity document, he helped protect seafarers' rights under the International Ship and Port Facility Security Code (which took effect in July 2004) and secure a new agreement for tens of thousands of seafarers worldwide under the ITF's International Bargaining Forum.

Speaking from the ITF's London office during his first meeting as chair, Heindel said: "I am confident that the seafarers' section will achieve its goals in the months and years ahead. We will tackle those goals aggressively, but we also recognise that in general one key to our success will be the spirit of cooperation which is needed for progress in today's maritime industry."

He added: "The maritime industry is the engine of the global economy and seafarers are the fuel that keeps the engine running. It is impossible to overstate the contribution they make to economic stability and growth, not to mention the vital role they play in national security in times of emergency."



● *Dancers greet delegates at the ITF congress in Mexico City.*

Made in Mexico

The new flag of convenience policy – known as the Mexico City Policy – was agreed at the ITF's 42nd congress, held in the Mexican capital in August 2010.

The congress is held every four years, when delegates sent by unions around the world representing seafarers and other transport workers meet to decide ITF policy until the next congress. They also elect the officers of the ITF, as well as members of the section committees – such as the seafarers' section.

In Mexico City a total of 333 unions from 109 different countries were represented

by 1,196 delegates and advisers.

The congress theme was "Strong Unions – Sustainable Transport", describing the challenges facing unions and transport networks from the negative impact of deregulation and privatisation.

Delegates in Mexico City agreed that, with globalisation and new technology leading to a greater integration of transport functions, unions must deliver a coordinated response that cuts across the various ITF sections, with, for example, seafarers campaigning together with dockers and other groups of workers.

For more about the 2010 ITF congress see: www.itfcongress2010.org

The ITF campaign in numbers

➡ ITF inspectors visited a total of **8,302** ships during 2010.

➡ There are **32** flags of convenience (see list and flags on page 26). Most inspections undertaken by the ITF are on FOC ships.



➡ During 2010 the ITF flag of convenience campaign resulted in a total of more than **US\$23.7 million** being recovered in back wages and compensation for crews.

➡ The ITF has **135** inspectors in the ports of **49** countries around the world. This is eight more inspectors in four additional countries, compared with 2009.

➡ Seafaring members of ITF-affiliated unions and crews on flag of convenience ships took industrial action in support of the ITF campaign in **32** countries on four continents during 2010.



➡ The number of seafarers covered by ITF agreements in 2010 was **288,575** – over 25,000 more than in 2009.

The world fleet

TOP 20 FLAG FLEETS

Ranked by tonnage 1 January 2010					
	No. of ships (over 100gt)	Gross tonnage (millions)	GT (m) 1 January 2009	Average age (ships)	
1	Panama*	8,100	190.7	183.5	18
2	Liberia*	2,456	91.7	82.4	11
3	Marshall Islands*	1,376	49.1	42.6	8
4	Bahamas*	1,426	48.1	46.5	14
5	Hong Kong (China)	1,529	45.3	39.1	10
6	Singapore	2,563	41.0	39.9	9
7	Greece	1,517	38.9	36.8	22
8	Malta*	1,613	35.0	31.6	13
9	China	4,064	30.1	26.8	23
10	Cyprus*	1,026	20.2	20.1	12
11	United Kingdom	1,697	17.0	15.3	19
12	Italy	1,635	15.5	13.6	23
13	Germany	948	15.2	15.3	21
14	Japan	6,221	14.7	13.6	16
15	Norway (NIS second register)	560	13.9	15.0	15
16	South Korea	3,009	12.9	14.1	26
17	United States	6,546	12.0	11.3	27
18	Denmark (DIS second register)	490	10.8	10.1	16
19	Isle of Man (United Kingdom)	363	10.2	8.6	10
20	Antigua & Barbuda*	1,237	10.0	9.5	10

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

TOP 20 SHIPOWNING COUNTRIES

Ranked by tonnage 1 January 2010				
	No. of ships (over 100gt)	Gross tonnage (millions)	Average age (ships)	
1	Japan	3,751	123.9	8
2	Greece	3,150	109.3	14
3	Germany	3,627	77.5	9
4	China	3,633	65.9	19
5	United States	1,865	38.8	17
6	Norway	1,968	32.0	14
7	South Korea	1,200	28.3	16
8	United Kingdom	1,018	26.5	14
9	Denmark	944	25.3	11
10	Hong Kong (China)	680	21.7	11
11	Singapore	985	20.3	13
12	Taiwan	637	19.1	13
13	Italy	844	17.1	14
14	Russia	1,987	14.3	24
15	Canada	433	12.6	20
16	Turkey	1,222	10.8	18
17	India	509	10.2	17
18	Malaysia	480	9.8	14
19	Iran	165	7.7	14
20	Belgium	234	7.6	14

Source: Lloyd's Register of Shipping.



Polish unions launch the Baltic week of action.



Supplies being taken on board the Eastern Planet for the crew.



Over \$200,000 won in Baltic Sea blitz

Supported by the ITF, seafarers on board vessels in the Baltic Sea won substantial sums in back pay during an ITF week of action covering 10 countries in the region.

From 27 September to 1 October 2010, ITF inspectors went on board 258 vessels in Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, Russia and Sweden.

The inspectors helped secure US\$212,955 in back wages owed to seafarers on board the vessels.

Apart from advising seafarers with payment complaints, the inspectors also checked conditions on board the vessels and made sure that crew members were not carrying out work that should be done by dockers; compensation was received from one vessel owner for lashing carried out by seafarers.

Andrzej Kosciak, ITF inspector in the Polish port of Gdynia, said: "Seafarers showed it was possible to take action in each of the Baltic Sea countries. We showed the port authorities and shipowners that the coordinated action of seafarers and dockers can bring benefits to both seafarers and dockers."

Seafarers' unions in the Asia/Pacific region held a week of action during the same week,

targeting flag of convenience and substandard ships. The campaign involved ITF-affiliated unions from Russia, Japan, South Korea, Taiwan and the Philippines.

Crew hold out in Spain for back pay

Seafarers stranded in a Spanish port sat in on their ship until they received, with the help of the ITF, more than US\$98,000 in back wages owed to them. The vessel's owner also promised to pay repatriation costs.

Thanks to their determination, the one Georgian, three Russian and 12 Ukrainian crew members on the Sierra Leone-flagged *Eastern Planet* were paid back wages up to 31 August 2010. This followed assistance from the ITF coordinator for Spain José Manuel Ortega.

The crew was left in the southern Spanish port of Algeciras on 22 July when the vessel was arrested by the maritime authorities after they found the condition of the ship to be deficient. It was expected that repairs would take less than a month to complete, after which the ship would set sail for its final destination, the Congolese port of Matadi.

The angry seafarers refused to cooperate in discharging the ship's cargo until they



ITF flag of convenience campaign news



received their wages. The shipowner finally agreed to do so and also stocked the ship with 40 tons of fuel and provided food. In addition, he agreed to repatriate any crew who did not wish to remain on board until the ship reached its final destination.

Ortega commented: "After 42 days without news of the vessel owner, the case is in the process of being resolved – it's a happy ending."

Burmese seafarers seek help in Egypt

When the *Napht Al Yemen 3* arrived in Suez Port, Egypt, for repairs, the Burmese chief engineer and second engineer found that they were owed money.

They made contact with ITF staff in London, who got in touch with the ITF inspector in Port Said, Talaat Elseify. He then approached the Yemen-based shipowners Overseas Shipping and gave them one week to solve the problem. Otherwise action would be taken to arrest the vessel.

One week later the shipowner came to the ITF's Port Said office and paid the delayed salaries to crew members, with the amount totalling US\$76,021.

\$112,000 for abandoned crew

The ITF has helped five Sri Lankan seafarers win back pay of US\$112,277 after they were stranded in Kochi, India, for 19 months.

The Panama-flag tug *Malakas* was abandoned in August 2008 following damage to its engines. The owner, the Iran-based Talaieh Jonoub Marine Service and Trading Company, did not even allow the crew of 10 to be rescued by a vessel that had responded to a distress call.

The *Malakas* was later towed to Kochi, where five of the crew were paid and repatriated. The ITF represented the



Crew members of the Gorgonilla check their back pay. See "Filipinos on freezing ship".



The crew of the Malakas. See "\$112,000 for abandoned crew".



ITF inspector Talaat Elseify hands over a pay cheque. See "Burmese seafarers seek help".

“
It is a nice feeling to know that we seafarers are not alone.
”

remaining five seafarers, who were finally paid their owed wages, as well as US\$6,849 towards pay due, after the tug was auctioned. They were flown home on 15 April 2010.

Filipinos on freezing ship call in the ITF

The 18 Filipino crew members of the *Gorgonilla* approached the ITF in February 2010 to complain about the poor conditions on board their Panama-registered ship, which was managed by the Danish company Seaflex.

Shortly after joining the vessel in Gibraltar in January the crew found out that the chemical tanker was in a very bad state. They informed Seaflex about the numerous deficiencies but were told to start their scheduled voyage to Kalundborg, Denmark.

The main problem was no heating on the vessel, although it was winter in Europe! Also, the toilets were not working and there were problems in the engine room, on deck and on the bridge.

Soon after entering the Kiel Canal in February, the ship's engines broke down and the anchor was dropped before the vessel was towed back to the port of Brunsbüttel, Germany.

Following a tip-off from Hamburg-based ITF inspector Ulf Christiansen, the port state control authorities visited the ship and detained it, citing various grave deficiencies.

When Christiansen visited the ship, he found the temperature in the crew cabins and accommodation was minus 6 degrees Celsius. He immediately called the port doctor, who declared the whole crew unfit for duty. They left the vessel and stayed for nearly 10 days in the seafarers' mission in Brunsbüttel.

After long and difficult negotiations between the ship's owner and manager and Christiansen and the ITF inspector in Denmark, Morten Bach, the crew received more than 50 per cent of their outstanding wages in cash before being flown home at the owner's expense. The other part of their outstanding wages was remitted to their bank accounts. The total amount of back pay received was US\$59,066.

The ship was eventually sold to Oceanlink International of Port Said, Egypt, and in May was towed to the port of Kaliningrad, Russia, for repairs.

Japan protest over anti-union company

Dockers and seafarers gathered outside the head office of a Japanese shipping company in July 2010 to protest against the firm's anti-union actions.

The rally outside Dowa Lines' head office in

“
We were inches away from another case of the unfair criminalisation of seafarers. I am glad to report that the Danish authorities saw the wisdom of an urgent review of what was planned and moved quickly to prevent that injustice from happening.
 ”

Protesters rally outside Dowa Lines head office in Tokyo.



Crew members of the Cormorant: the shipowner took their passports. See “Justice for trio”.

Tokyo, Japan, involved members of the Japan Seafarers’ Union (JSU) and the National Federation of Dockworkers’ Unions of Japan. They were demonstrating over the company’s persistent refusal to sign ITF agreements for its fleet of 24 mainly Panamanian-flag vessels, despite the fact that the majority of Japanese-owned flag of convenience vessels are covered by the agreements. The union members were also expressing their anger over the company’s court action against the JSU, with the union being sued for defamation over what it said in a leaflet.

The ITF issued a letter of solidarity in support of the rally, congratulating the unions on their perseverance. It said: “You have been steadfast in your efforts to improve the working conditions of seafarers on Dowa Lines vessels but, instead of negotiating, Dowa has responded by challenging your legitimate actions in court.

The rally took place as part of the ITF’s East Asia week of action on ports and flags of convenience from 12-16 July. During the week, seafarers’ and dockers’ unions across Japan, South Korea, Russia and Taiwan visited 124 vessels, signed agreements with a number of vessel owners and visited ports that were failing to negotiate with their local dockers’ unions.

Georgians stay put until they are paid

The nine Georgian crew members of the *Jasmine*, who had been left without pay in the French port of St Louis du Rhône for two months, were repatriated on 1 September 2010.

The Italian-owned, Georgia-flag cargo ship had been in the port since 26 June, when the crew refused to leave until they were paid six months’ wages owed to them, totalling more than US\$99,000.

The ITF has helped them retrieve a third of their back pay.

ITF inspector Yves Reynaud said that the seafarers were “lucky to have arrived in France, where a solidarity system, via associations and the mayor, was able to provide them with water and basic necessities”.

The ship, which was arrested, is expected to be auctioned.

Justice for trio at risk of deportation

The ITF has congratulated the Danish authorities for how they acted in averting a potential miscarriage of justice against three seafarers on a flag of convenience ship.

The men were innocent victims of a shipowner who took their passports and abandoned them and their ship. They were close to being deported and given criminal records as illegal entrants to Denmark. This would have seriously jeopardised their chances of finding work again.

But in February 2010 they learned that all such charges had been dropped and they were free to return home. Thus ended their six-month ordeal. According to the ITF, they were also likely to receive the four months’ worth of wages owed to them once the ship on which they were serving was sold.

The three were promised work on the St Vincent-registered *Cormorant* in August 2009. The vessel’s German captain/owner took away their passports and other personal belongings and prevented them leaving it. They and the ship were abandoned in Frederiksvaerk, Denmark, in December 2009.

ITF seafarers’ section secretary Jon Whitlow commented: “We were inches away from

ITF flag of convenience campaign news



another case of the unfair criminalisation of seafarers. I am glad to report that the Danish authorities saw the wisdom of an urgent review of what was planned and moved quickly to prevent that injustice from happening.”

Following their abandonment with no wages, food or power the three men, two Ghanaians and a Russian, were dependent on local charities and ITF inspector Morten Bach for help.

Bach explained: “To all intents and purposes these men were held as virtual prisoners on the ship. Almost unbelievably they were then charged with having been in Denmark illegally, even though the captain had taken away their passports to stop them escaping from the ship. Had the authorities here not relented, they would have been hit with at least a year’s ban from passing through Danish territory, giving them a European Union-wide criminal record. This was utterly unacceptable and that message has been driven home to the Danish authorities, who, I’m glad to say, have now acted to take that message on board.”

According to the ITF, the *Cormorant* case was the latest example of the unfair criminalisation of seafarers. Previous cases such as the *Hebei Two* have been roundly condemned by the whole body of shipping organisations.

The *Cormorant* was built in 1965 and is owned by Klaus Herman Juls of Rostock.

Waiter secures disability pay-out

Valparaiso-based ITF inspector Juan Luis Villalón Jones is handling several cases of seafarers on cruise ships who have had accidents but received no help from their crewing agency.

In one case, a waiter on the *Grand Mistral* twisted his knee because the pantry floor was slippery and he did not have the proper rubber footwear. The ship’s doctors said he should be repatriated for surgery. Once home, the crewing agent was less than helpful and only

gave him sick pay after a two-month delay. There were complications with the surgery and the seafarer was referred to other doctors – at which point the crewing agency ordered a stop to the treatment and said the seafarer should return to work.

Villalón Jones contacted the P&I insurers and requested them to take care of the case. On the ITF’s insistence the insurers sent the seafarer to another doctor for a final evaluation. The doctor concluded that a return to work on board was not possible.

Meanwhile, the agency had contacted the seafarer and threatened to withhold any compensation if he continued receiving assistance from the ITF. But after a year and a half, finally, the seafarer got his 100 per cent disability compensation.

Guided through Dutch pay maze

Two Romanian seafarers expressed their thanks to the ITF in Canada after they were helped to retrieve pay owed to them by their Dutch employer.

The chief officer and second engineer of the Dutch-owned and flag *Flinterstream* contacted the ITF while the ship was berthed in Contrecoeur, Québec, Canada, to say that they were missing wages. The chief officer had been disembarked for three weeks and had not received his final salary and the second engineer, who was still on board, had not been fully paid.

The missing pay, amounting to €7,476 (US\$10,400), was the result of new rules in the Netherlands that require foreign employees to have a “sofinumber” to allow them to work and pay taxes to the Dutch government. ITF inspector Patrice Caron discovered that the ship’s managing agents, Seacontractor, had applied for these numbers for the two crew members, but it had taken more than eight weeks to get them.

“After Seacontractor received the sofinumbers for the two crew members, they were paid,” she added.

In a message of thanks for the ITF support, the chief officer said: “It is a nice feeling to know that we seafarers are not alone.”

Problems with pay?

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 the ITF directly as soon as possible to protect your wages and employment.

Alastair Fyfe



The ITF campaign to end the scourge of piracy has been boosted by a petition with over 930,000 signatures that was presented to the UN on the 2010 Day of the Seafarer. London-based freelance journalist **BRENDA KIRSCH** reports on this and other developments in the campaign.



The ITF's petition campaign was launched by the unveiling of a banner (above) on the MSC Savona (inset) in the UK port of Felixstowe.

Nearly a million voices say enough is enough

When the ITF – along with the leading international shipping industry bodies – launched a worldwide petition on 20 May 2010 calling for governments to take action to tackle the scourge of piracy, it set an ambitious target of collecting at least half a million signatures in the four months to World Maritime Day, 23 September 2010. In the event, almost a million people – 930,406 – signed up to the “Enough is Enough” petition, presented to the International Maritime Organisation.

The response indicated the level of international concern about the continuing and growing crimes taking place on the world's seas. It also expressed universal support for the innocent seafarers who are the victims, often held captive for months on end with damaging consequences for their lives and well-being, and that of their families, friends and colleagues.

Acknowledging the important signal that the petition sent out, United Nations secretary-

general Ban Ki-moon pledged that the UN would “spare no effort to address the challenges arising from the issue of piracy”.

In response, ITF general secretary David Cockroft said that he hoped for real action from the UN: “Only concrete, determined countermeasures will do any good against what is well on its way to being a global problem.”

His call came as the evidence was that piracy was continuing and on the rise worldwide, despite fire-fighting measures to tackle the crime in the worst hotspots.

The wave of Somali piracy, which has disrupted shipping through the Gulf of Aden and even further afield for the past few years, is intensifying. With the deployment of the multinational naval task force in the Gulf of Aden, Somali pirates have been spreading their area of operation out from the Horn of Africa east and south into the Indian Ocean – as far as the Seychelles and off the coast of Tanzania – and

north into the Red Sea. Not that the naval force has deterred them from making continuing attacks within the Gulf of Aden, including within the secure transit route.

The opportunism of the pirates in seizing ships to secure lucrative ransom pay-outs has meant that no vessel is too large or too small to escape their attention. Whether it's a gigantic container ship or oil tanker, a small fishing trawler or even a two-person yacht, all are seen as potential sources of wealth in a community beset by poverty and with no effective governance.

What the naval presence has done, however, along with the more widespread use of anti-piracy measures, is to reduce the Somali pirate success rate.

Meanwhile, crime at sea has been on the rise in other waters. The International Chamber of Commerce's International Maritime Bureau

The danger hotspots



West Africa

Nigeria and neighbouring countries have seen a rise in attacks on shipping and personnel in recent years.

As well as armed robbery, the motive here is often explicitly political, with many incidents connected with the Movement for the Emancipation of the Niger Delta (MEND) – insurgents who wish to see the resources from the oil rich delta area redistributed locally.

Also, unlike the Somali pirates, the West African insurgents, and those who copy them, are more likely to use violence against seafarers.

MEND was responsible for a wave of incidents in 2009. However, the group announced a temporary ceasefire when one of its leaders was released from prison in December 2009. This moratorium ended in early 2010, with a further rise in incidents. The IMB reported 11 piracy incidents in Nigeria in the first nine months of 2010. However, it warns that the “real figures may be much higher in this particularly violent area”. Seafarers were kidnapped from two vessels in neighbouring Cameroon in September 2010.

Somalia

Action by Somali pirates is still the major concern to global shipping and seafarers. They are heavily armed with automatic weapons and rocket propelled grenades, and are prepared to attack vessels large and small. They seek out victims – often deploying skiffs from mother ships equipped with satellite equipment (sometimes previously hijacked ships) – with the aim of boarding and seizing control of vessels, which are then made to sail to the Somali coast. Here captured seafarers are detained as hostages, sometimes for many months.

Somali pirates rarely harm hostages physically, and very few have been killed over the years. But the evidence of ex-hostages is that capture is a traumatic experience that can harm them for years to come. There is also the effect on their distressed family and friends.

Hostage-taking is the means to force huge pay-outs from shipping companies. Millions of dollars are asked for and many millions have been paid out, although ransom negotiations are veiled in secrecy and there are apparently no total figures of the ransom payments handed over to Somali pirates.

At the time we went to press, Somali pirates were holding about 20 ships and 400 seafarers hostage.

South China Sea

In the years before the emergence of Somali piracy, the South China Sea used to be the hotspot for pirate attacks. But piracy reduced following concerted efforts by Singapore, Malaysia and Indonesia. However, since the start of the global recession in 2008, there has been a marked rise in incidents.

Piracy in these waters is overwhelmingly for robbery, with attacks involving knives rather than guns and some cases of violence against seafarers.

The IMB reported 30 piracy attempts in the South China Sea in the first nine months of 2010, with 21 successful boardings – triple the number of incidents reported in the same period of 2009. The IMB believes that only a small number of groups is responsible.

The IMB also recorded 26 incidents around Indonesia, up from seven in 2009.

Other hotspots

Other areas that consistently feature in IMB reports include Chittagong, Bangladesh, Callao, Peru and ports in Vietnam, where thieves, often armed with knives or sticks, board anchored vessels to steal ships’ and crews’ property.



(IMB) has a Piracy Reporting Centre (PRC), based in Kuala Lumpur, Malaysia, which collects reports of pirate attacks as they happen and compiles regular monitoring data.

In its report for the first nine months of 2010, the IMB disclosed that there had been 289 pirate attacks around the world. Although Somali pirates were responsible for fewer than half of these – 44 per cent – they carried out the vast bulk of successful hijackings, capturing 35 of the 39 ships worldwide seized in that period (and compared with just 34 hijacks worldwide in the same period of 2009). The number of hostages taken worldwide was 773.

In the first nine months of 2010, pirates boarded 128 ships and fired at 52. They used guns in 137 incidents and knives in 66, killing one crew member and injuring 27. Seventy vessels reported thwarting attacks.

Anti-piracy measures

Despite the rise in incidents, vessels have been increasingly successful in fending off hijacks and boardings. In the Gulf of Aden, the presence of the multinational naval taskforce has helped to deter pirates, and to rescue stricken vessels that have raised the alarm.

There have been calls to extend the area of the naval operation and secure a transit corridor out into the Indian Ocean. However, even if this were to happen, it is hard to see how all attacks



could be prevented in such a vast area of water.

An increasingly successful response has been the use of secure areas, or citadels, within the ship to where the crew retreat and lock themselves in in the event of boarding. As well as keeping seafarers safe, this tactic frustrates the pirates who are unable to take control of the ship. In several cases, the pirates have given up and abandoned the hijack when they cannot find the crew.

While some shipowners employ private security guards on board ships sailing through pirate waters, others – such as the Danish giant Maersk Lines and the European Community Shipowners' Association – have called for national and international government action instead. The ITF firmly opposes the arming of seafarers on board ships.

The legal situation

The complex international legal situation has made prosecution of pirates extremely difficult. However, there are signs of a breakthrough in the legal impasse. Courts in the US, the Netherlands and the Seychelles have now successfully prosecuted pirates. Kenyan courts, which have taken the legal burden in bringing cases, are continuing to take action – imprisoning 15 Somali pirates in 2010 with 100 more in custody – as are courts in Yemen.

To help step up prosecutions, Interpol (the



Petition power

Efthimios E Mitropoulos (left), secretary-general of the International Maritime Organisation, receives the petition with more than 930,000 names demanding action to end piracy. The petition states: "We, the undersigned, urgently call on Governments to do everything possible to protect the thousands of seafarers and the hundreds of ships at risk of attack by pirates by:

- dedicating significant resources and concerted efforts to find real solutions to the growing piracy problem;
- taking immediate steps to secure the release and safe return of kidnapped seafarers to their families;
- working within the international community to secure a stable and peaceful future for Somalia and its people."

See video of the delivery of the anti-piracy petition to the IMO at www.youtube.com/watch?v=qJHSLFnt_HM



ON VIDEO: Sri Lankan crew members of the Chantelle being interviewed for the ITF video "What Piracy Really Means".

They were captured by Somali pirates in June 2009 and held for 4½ months before a ransom

was paid and they were released. The Antigua & Barbuda-flag ship had a crew of 10: seven Sri Lankans and three Filipinos.

Watch the video at: www.youtube.com/watch?v=Xe_VQkgypRw

Captured by Somali pirates

Capt Veliko Velikov, master of the Asian Glory, writes...



On New Year's Day 2010 my ship, the *Asian Glory*, was sailing to join the westbound transit operated by UKMTO/EU-NAFOR, when we were attacked. At the time I was in my cabin. Shortly after midnight I heard gunshots and automatic gunfire on board and found three pirates on the bridge. All were armed with AK47 rifles or pistols. The attack succeeded despite the best precautions we had taken to protect the ship and to avoid areas of danger.

At that moment I and my crew of 24 were captured by the pirates.

Shortly afterwards a total of 15 pirates came on board, when their mother ship came alongside the *Asian*

Glory. Our ship was forced to set course for Garaced, which was about 820 miles distant from the point where we were captured. We arrived at Garaced on 4 January, when many more pirates came on board. They ransacked the crew cabins and stole all our personal possessions.

During the period of capture, the majority of the crew remained in the forward part of the bridge under armed guard.

There were some pirates who clearly seemed to be in charge, and one in particular used the ship's satellite telephone to negotiate with our managers in London. One individual conducted all the negotiations.

The pirates treated us roughly. They were unpredictable, and used a combination of physical and mental intimidation. They often seemed to be under the influence of substances. However, we

were kept supplied with food when our own food reserves ran out.

Unfortunately, on 7 March I was removed from the rest of the crew and locked in chains in my cabin, where I was kept in isolation until 16 April. I was then reunited with the crew, and discovered that the pirates had told them that I had been executed.

I knew throughout that we had the complete and unconditional support of Zodiac Maritime Agencies, and that they would ensure that we were safely released. In the meantime, it was a time of acute distress for all members of the crew, who feared at different times for their lives. No human being ought to be subjected to the terror and inhumanity of being held hostage by pirates.





British second officer James Grady (pictured, right, with the ITF-sponsored anti-piracy petition) was held by Somali pirates on the Saudi tanker *Sirius Star* from 15 November 2008 to 10 January 2009. He kept a secret diary during his ordeal. Here are extracts from it...

Diary of a hostage

Day 1 At 08:55, armed with machine-guns and an RPG, Somali pirates boarded the ship. By 09:02 they had control of the wheelhouse and insisted the ship was stopped. Two boats and eight men were then taken on board. At 15:00 we stopped again and picked up a third boat. I think a total of 10 armed men are now on board. They keep the satellite phone busy so we can't use it to contact any help. Not that there is any help to come. Heading for Somalia. Everyone is nervous about what will happen. At 10:00 they started with the captain's cabin, then went to every cabin one by one. Stealing all money, mobile phones, watches and anything of value they wanted. They were in my cabin twice. Stealing.

Day 2 Anchored close to the coast of Somalia at "Pirate Cove" (we call it that). Got a visit in the engine room for the first time. They searched all the engine control room for anything valuable. Stole a company-supplied laptop and other things.

Day 5 We are not sure how many pirates are on board. We think it's about 20 to 25. We are not able to go outside so it's difficult to tell.

Day 7 One of the pirates got shot, in an AK47 accident outside. The pirates went to the chief officer to get medical attention. They wanted him to remove the bullet. He told them: "I'm not a doctor, I can't do it." CO was afraid the pirate would die through loss of blood if he tried to

remove the bullet. The wounded pirate was then taken ashore. We never saw him again.

Day 8 We moved anchorage today approximately 15 miles along the coast to "Pirate Bay", Somalia. They keep wanting us to go closer to the shore. They don't understand that the ship is too big to go closer.

Day 10 Peter [crew member] and I were interviewed by ITV News on the satellite phone. We both gave the pirates good press. No choice as they were standing close and listening. The pirates promise we will get calls home tomorrow morning.

Day 13 A helicopter has been circling us once or twice a day for the past few days. Again today. Just before lunchtime a Spanish (we think) warship cruised past about five miles away. A subtle message to the pirates maybe.

Day 17 Five new pirates joined today. At 21:00 they ordered everyone to the bridge to be real hostages. They thought that they were going to be attacked. Everyone ended up sleeping in the officers' recreation room. With armed guard at the door. It was very uncomfortable and cold. The attacking craft was a bloody lighthouse about 15 miles aft.

Day 18 A very bad night for us hostages. Locked in the officers' recreation room no fun. By 06:00 the pirates were stealing from cabins again. At 09:00 they were again stealing from cabins. Went from door to door every cabin, every store. That makes it five times my cabin has been searched. I must be popular.

Day 21 Helicopter passed early

today. Pirates gave some stuff back that they didn't want. We all got to phone home today.

Day 22 Helicopter passed early afternoon. I like to see the helicopter, it makes me feel we are not alone.

Day 24 The European Union takes over from Nato patrolling the Somali coast but they don't know what to do when they catch a pirate. We all know what to do with them.

Day 29 Galley staff getting more pissed off with the pirates eating our food.

Day 32 01:15: pirates pushed a life-belt into the sea and fired bullets at it. 06:30: a fishing boat came close to aft end. Pirates fired heavy machine gun at it. 08:05: helicopter passed by, first time in three days.

Day 35 A no helicopter day. Crew lockers broken into early morning. Two weeks now and no phone calls home for everyone. Not good.

Day 38 Helicopter circled ship early morning. Pirates stealing from changing room lockers. And tried to break in to one of the crew's cabins.

Day 40 No helicopter. Crew and pirates went fishing today and got some fish.

Day 42 Helicopter again today. Boss man pirates came on board this morning. I think to speed up talks with Vela International Marine [the shipowner]. So we have four extra Somalis on board. We all got to phone home today. First time in three weeks.

Day 50 Some head men came on board and said: "Negotiations are

completed." We are only waiting for the money to be transferred. Which will take up to three days. Marek [crew member] was able to phone company and they confirmed the story. But say it may be seven to 10 days.

Day 54 Tomorrow we are all to be on deck, forward of port manifold. By ship's rail three metres apart to be counted by a small plane at about 06:30. It will then drop 50 per cent of money. It will return about six hours later with the other 50 per cent. Marek will count the money. About \$3 million total. More theft going on today, almost anything will do.

Day 55 Everyone up at 05:00. At 07:30 we all went out on deck along the rail at port side. 08:05: twin engine plane passed stern to bow at low level to count us all. It passed a second time, higher up and dropped a capsule with a parachute into the sea. Half the money. Two pirate boats picked it up and brought it on board. We all then came inside. The plane returned at 14:10 and dropped off the remaining money. The money was on board by 14:20. 16:00 and the bloody pirates are still stealing. Why won't they just go? 16:30: 17 of the pirates got off.

Day 56 Most people up by 04:00. At 05:34 the last pirate left the ship. At 05:36 stand by, and at 06:42 full away on passage to freedom. Heading east away from Africa. BBC reported that a pirate source said five pirates died when their boat capsized as they sped ashore with the ransom money. Very good news to us all. 14:00: helicopter passed again but a lot further away. Looking out for us. Much appreciated. 15:30: we now have orders for Kalba.



international police agency) held a meeting with shipping industry bodies in mid 2010 to discuss a centralised piracy investigation structure and ways to ease the burden on crew members called upon to make witness statements.

The costs

Piracy has cost millions of dollars, not just in ransom payments but also in damage to ships, care of seafarers, anti-piracy measures and re-routing of shipping to avoid the danger areas.

A report by the General Insurance Research Organisation in October 2010 put the average cost of each piracy attack on shipping at about US\$9 million – with a kidnap and ransom rate of about \$57,000 per vessel using the Suez Canal.

More locally, the government of Yemen has said that piracy in the Gulf of Aden and Red Sea caused US\$150 million losses to the local fish sector in 2009.

But most of the costs fall on the seafarers involved and their families; that is incalculable.

In the case of four Danish seafarers kidnapped and held hostage for 83 days when their ship, the *Danica White*, was hijacked by Somali pirates in 2007 – and only released following a campaign involving their union, 3F – only one is still working at sea. One has since died, one is mentally ill and one is no longer working. To add insult to the injury of their ordeal, in October 2010, a Danish court ruled out their claims for compensation.

Helping seafarers and families

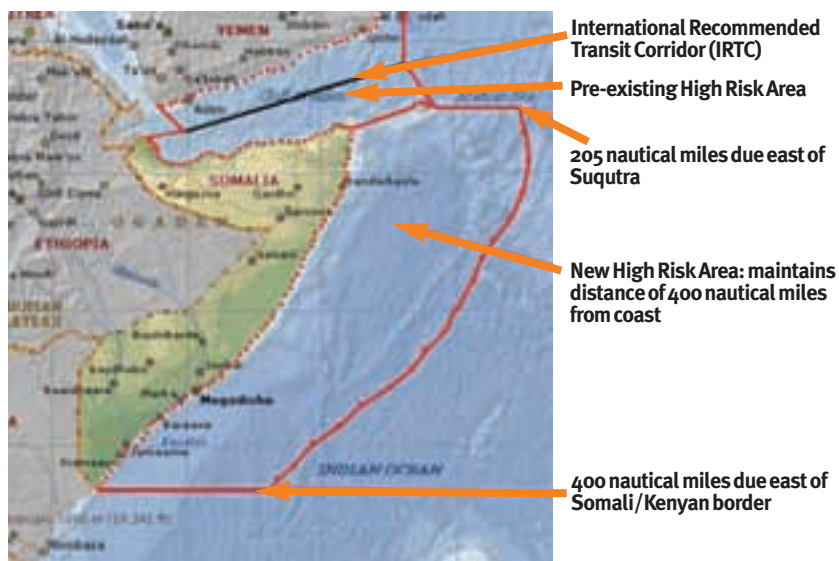
Care for seafarers and their families involved in piracy and armed robbery attacks is now on the agenda for shipowners, crewing agents and unions, working together to formulate a strategy to be adopted by the whole industry.

In July 2010 the ITF Seafarers' Trust agreed to provide funding towards a £150,000 (US\$233,000) programme entitled "Maritime Piracy – a humanitarian response". This follows on from other work on piracy and seafarers being undertaken by the ITF in the IMO and with other organisations, such as the End Piracy Now petition.

Bringing together trauma experts from different maritime nations, the programme is researching best practice policy and procedures, covering pre-departure training, fear of attack, the aftermath of a failed attack and the release of captured seafarers.

Working with a steering group containing the ITF, leading maritime employers' associations and welfare bodies, the ITF Seafarers' Trust is currently drawing up suggestions for best practice in the treatment of seafarers and their families following a piracy or armed robbery incident.

Somalia High Risk Area effective from 1-30 November 2009, as defined by International Bargaining Forum



Coping with piracy – guidance for seafarers

The ITF has been working hard persuade shipowners and governments to take full responsibility for the safety of seafarers from piracy and to ensure that seafarers are not left to cope with piracy on their own.

Employers' duty of care

The ITF believes that ships should only transit the Gulf of Aden and the coast of Somalia in exceptional circumstances. The risk of attack is now so great that putting seafarers in harm's way amounts to a breach of the shipowner's duty of care.

Ships should only transit the area with the protection of naval vessels, or if the ship is classified as low risk and has certain protection measures in place.

High Risk Area agreement

The ITF's International Bargaining Forum (IBF) collective agreement covers 4,000 ships and contains a designated High Risk Area, in addition to the existing Warlike Operations Area. The IBF High Risk Area includes the entire Gulf of Aden and extends

400 miles east of Somalia (see map above).

Seafarers on ships covered by the ITF IBF collective agreement have the right to be repatriated at the company's expense before transiting the High Risk Area, except when the ship transits only through the International Recommended Transit Corridor (IRTC) patrolled by international navies.

Seafarers sailing into the High Risk Area who are covered by the ITF IBF collective agreement are entitled to receive:

- a bonus equal to 100 per cent of your basic wages;
- double compensation in case of death or injury.

The bonus and enhanced compensation apply during the entire period of transit through the High Risk Area, regardless of whether the ship is inside or outside the IRTC.

Similar provisions exist in the ITF TCC, ITF standard, and many national collective agreements.





Seafarers can find out what kind of agreement covers your ship by checking at www.itfseafarers.org and then clicking “Look up a ship”.

Better employment rights

Through the IBF negotiations, the ITF has reached an agreement to improve the support and protection offered to seafarers at risk from piracy. These improvements will come into force during 2011 and include:

- Ensuring that all IBF ships follow Best Management Practices (see below) to deter piracy and that companies have contingency plans in place to support seafarers in case of piracy.
- If seafarers are held hostage, ensuring that their wages are paid and their families are kept informed.
- Ensuring that companies pay the wages and expenses for any seafarers who are required to testify about acts of piracy.

Preventing attacks

The ITF has helped to develop Best Management Practices (BMP) on the protection of seafarers and ships at risk from piracy. These outline the procedures that companies and crews should follow in order to prevent ships from being attacked and hijacked.

Naval authorities recommend that ships follow the BMP for the entire time they are in the Voluntary Reporting Area (VRA), where ships are considered to be at high risk of piracy.

The VRA stretches from the Suez Canal east to India (78°E), and south to the Seychelles and Chagos (10°S).

Crews should be aware that the following factors increase the risk of a vessel being captured:

- low freeboard – especially below 8m high
- slow speeds – especially below 18 knots
- good weather – especially below sea state 3
- the crew and the ship not being prepared
- the ship not reporting in to the naval authorities.

Vessels whose full speed is below 18 knots should stay out of the High Risk Area.

A risk assessment should be conducted for each vessel and companies should have a full contingency plan in place. Crew training sessions and drills should be



ADVICE: Leaflets produced by the European Union Naval Force patrolling waters off Somalia.

organised. An emergency communications plan should be in place. In all circumstances, crew safety is paramount. Crew should not put themselves at risk in following any defensive procedures.

Ships transiting the VRA must report to the naval authorities (UKMTO) when they enter the area and follow their instructions.

Report piracy incidents


Attacks and suspicious sightings can be reported to the International Maritime Bureau Piracy Reporting Centre. Call the 24-hour anti-piracy helpline on +60 3 2031 0014 or email: imbkl@icc-ccs.org

The ship's position should be reported at least once a day. Ships reporting in will be given the latest advice on how to avoid piracy attacks. All vessels must use the International Recommended Transit Corridor.

Extra lookouts should be posted. The BMP advice encourages vessel owners to consider increasing the number of crew on board to enhance the number of watchkeepers and lookouts.

The BMP advice also contains suggestions on how to secure the ship and prevent pirates from boarding. It also offers advice on a safe muster station and a citadel for crew in the event of an attack.


Armed guards and the use of firearms are not recommended.

 A copy of the latest BMP advice is available at www.itfseafarers.org/detering-piracy.cfm

Surviving a piracy attack

The European Union Naval Force has issued advice on how to cope safely with the experience of being held hostage. Most hostages are not subject to violence if they cooperate with their captors, although they may be held hostage for long periods of time in very difficult conditions.

It is important that seafarers talk about hostage experiences (to the relevant authorities, to their unions, and to their companies) after they are released and accept whatever medical and psychological assistance may be offered.

 The European Union Naval Force leaflet is available in Arabic, Chinese, English, Hindi, Japanese, Russian and Tagalog at: www.itfseafarers.org/surviving-piracy.cfm



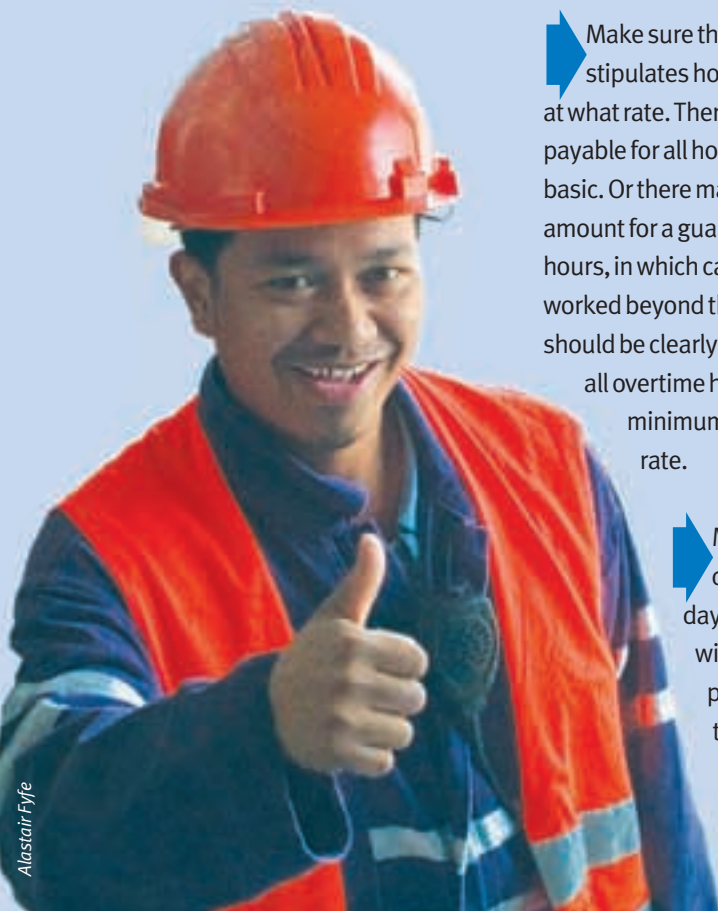
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Look carefully before you sign

ITF advice on your contract to work at sea

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



▶ Don't start work on a ship without having a written contract.

▶ Never sign a blank contract, or a contract that binds you to any terms and conditions that are not specified or that you are not familiar with.

▶ Check if the contract you are signing refers to a Collective Bargaining Agreement (CBA). If so, make sure that you are fully aware of the terms of that CBA, and keep a copy of it along with your contract.

▶ Make sure that the duration of the contract is clearly stated.

▶ Don't sign a contract that allows for alterations to be made to the contractual period at the sole discretion of the shipowner. Any change to the agreed duration of the contract should be by mutual consent.

▶ Always ensure that the contract clearly states the basic wages payable and make sure that the basic working hours are clearly defined (for example 40, 44 or 48 per week). The International Labour Organisation states that basic working hours should be a maximum of 48 per week (208 per month).

▶ Make sure that the contract clearly stipulates how overtime will be paid and at what rate. There could be a flat hourly rate payable for all hours worked in excess of the basic. Or there may be a monthly fixed amount for a guaranteed number of overtime hours, in which case the rate for any hours worked beyond the guaranteed overtime should be clearly stated. The ILO states that all overtime hours should be paid at a minimum of 1.25 x the normal hourly rate.

▶ Make sure that the contract clearly states how many days paid leave per month you will get. The ILO states that paid leave should not be less than 30 days per year (2.5 days per calendar month).

▶ Make certain that the payments for basic wages, overtime and leave are clearly and separately itemised in the contract.

▶ Never sign a contract that contains any clause stating that you are responsible for paying any portion of your joining or repatriation expenses.

▶ Don't sign a contract that allows the shipowner to withhold or retain any portion of your wages during the period of the contract. You should be entitled to full payment of wages earned at the end of each calendar month.

▶ Be aware that an individual employment contract will not always include details of additional benefits. Therefore, try to obtain confirmation (preferably in the form of a written agreement or contractual entitlement) of what compensation will be payable in the event of:

- Sickness or injury during the contractual period
- Death (amount payable to next of kin)
- Loss of the vessel
- Loss of personal effects resulting from the loss of the vessel
- Premature termination of the contract.

▶ Don't sign a contract that contains any clause that restricts your right to join, contact, consult with or be represented by a trade union of your choice.

▶ Ensure that you are given and retain a copy of the contract you have signed.

▶ Check that your contract states that you are entitled to the costs of your repatriation.

▶ Check the conditions for terminating your contract, including how much notice the shipowner must give you to terminate your contract.

▶ Remember... whatever the terms and conditions, any contract/agreement that you enter into voluntarily would, in most jurisdictions, be considered legally binding.

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International Transport Workers' Federation

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

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

Your details

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

- ➔ Name of shipowner / operator

What is the problem?

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

Details of the ship

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



● Thinking of taking industrial action?

● Read this first!

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

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

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

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

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

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

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

ANTIGUA AND BARBUDA



BAHAMAS



BARBADOS



BELIZE



BERMUDA



BOLIVIA



BURMA/ MYANMAR



CAMBODIA



CAYMAN ISLANDS



COMOROS



CYPRUS



EQUATORIAL GUINEA



FRANCE (second register)



GEORGIA



GERMANY (second register)



GIBRALTAR



HONDURAS



JAMAICA



LEBANON



LIBERIA



MALTA



MARSHALL ISLANDS



NO PLACE TO HIDE.

Flags of convenience



MAURITIUS



MONGOLIA



NETHERLANDS ANTILLES



NORTH KOREA



PANAMA



SÃO TOMÉ & PRÍNCIPE



SRI LANKA



ST. VINCENT & THE GRENADINES



TONGA



VANUATU



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



The Year of the Seafarer message-board proved especially popular at the ITF Expo event in Manila.

ITF's Manila showcase draws the crowds

Seafarers turned out in their droves to celebrate the Year of the Seafarer and share information on life at sea at an ITF event in the Philippines in June 2010.

More than 3,000 people thronged the three-day ITF Expo from 23-25 June in Luneta Seafarers' Center in Manila.

Opened by the Philippine secretary of labour and employment Marianito D Roque, the event was organised in close cooperation with local seafarers' unions, AMOSUP and the PSU. Cadets from the Maritime Academy of Asia and the Pacific

also played an active role during the event.

Seafarers signed the piracy petition, wrote messages about key workplace issues and participated in a range of other activities, including filming interviews. Seafarers were asked basic questions about life at sea.

Approximately 10 hours of footage was filmed comprising a mixture of interviews and documentary of the ITF Expo.

Free medical check-ups, quizzes and a raffle were available to visitors. They were also given a copy of *Message to Seafarers*, which contains a comprehensive list of ITF inspector contacts around the world, *ITF Seafarers' Bulletin* and other ITF publications.

In addition, they received information about the benefits of trade union membership and the employment terms and conditions on board vessels covered by the ITF.

Graham Young, from ITF maritime operations, said: "Everyone was extremely pleased by the positive reaction from seafarers. It's been a fantastic three days. We hope to repeat this success during similar events in other regions."

The ITF Expo was one of several maritime-related events that took place in Manila in June to coincide with the International Maritime Organisation's conference to revise the STCW (training, certification and watchkeeping) Convention.

See video: www.youtube.com/user/itfvideos?ob=0#p/u/35/ehgPbISlwMo

Left: A full house inside the ITF installation.





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Would you be interested in being part of a focus group of *Seafarers' Bulletin* readers? If you want to have your say in the magazine's future, please return this form to us (see address above) or email us at info@itf.org.uk

Name

Nationality

Job

Email

Mobile



International Transport Workers' Federation



The International Transport Workers' Federation (ITF) is an international trade union federation of transport trade unions, representing 4½ million transport workers in 154 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.



Trainees from Indonesia and course leaders at the union-run seminars for working on cruise ships.

Unions on the agenda in cruise ship training

By **Nina Espeli Allen**
Norwegian Seafarers' Union

For the past five years seafarers working on cruise ships covered by collective agreements negotiated by the Norwegian Seafarers' Union (NSU) have been able to attend union training courses focusing on their agreement and on the international shipping industry.

Run in close cooperation with the Kesatuan Pelaut Indonesia (KPI) seafarers' union and the ITF, the trade union awareness seminars in Bali, Indonesia, aim to provide the seafarers with basic union knowledge.

But, just as importantly, the unions receive vital feedback from the seafarers, including input for the negotiations with employers and ideas about how to strengthen the relationship between the seafarers and the unions.

In 2010 the unions held three separate seminars. A half-day women's seminar was followed by the basic seminar for both men and women and finally there was an advanced seminar for participants who had already completed the basic course.

The seminars teach the seafarers about the ITF, the KPI and the NSU, as well as about the International Labour Organisation (ILO) and the International Maritime Organisation (IMO). Participants also receive a basic understanding of their collective

“**So successful has been the programme that the NSU plans to expand it in the near future to cover areas such as South America, the Caribbean and the Philippines.**”

bargaining agreement. Other topics covered include cultural diversity, harassment and bullying, discrimination and the dispute resolution process.

The seafarers take part in role play exercises illustrating various situations that may occur on board. They are also given the opportunity to ask questions and come up with comments.

At the end of the seminars, students and their spouses are invited to attend an HIV/AIDS presentation by a local organisation, Aids Commission (KPA). They hear about HIV/AIDS statistics in Bali, how the virus is contracted, how it behaves and how to prevent it from spreading.

A total of 65 seafarers attended the Bali seminars in 2010. Since the start of the programme in 2006, 234 crew members have participated – some of them twice. To

encourage participation, the seafarers are invited to bring their family, since they already spend so much time away from them while on the ships.

The unions also arrange an excursion during the seminar, which gives everyone a chance to socialise and network with each other and with the officials from the KPI and the NSU.

The NSU strongly believes in the importance of these seminars and we have received a lot of positive feedback from the seafarers. In addition, the seafarers have given the unions valuable information on general problems on the ships that we take with us into the negotiations.

The seminars also give the unions an opportunity to get to know the seafarers. We later meet many of the participants when we do our ship visits and, because they know us from the seminars, the seafarers find it easier to help us gather valuable information about the work onboard.

So successful has been the programme that the NSU plans to expand it in the near future to cover areas such as South America, the Caribbean and the Philippines. Already in June last year, we organised the first seminar in Goa, India, in close cooperation with the National Union of Seafarers of India and the ITF.

As we say: “Knowledge to the few is power, while knowledge to the many is freedom.”

● *Nina Espeli Allen works in the NSU's Miami office.*





The Maritime Labour Convention, known as the Seafarers' Bill of Rights, provides real and enforceable rights for seafarers covering every aspect of their employment. Soon it will come into force, PENNY HOWARD reports.

Which countries are backing the Maritime Labour Convention?

Ratified by 10 countries:

Bahamas, Bosnia & Herzegovina, Bulgaria, Canada, Croatia, Liberia, Marshall Islands, Norway, Panama, Spain.

Expected to be ratified by 17 countries by the end of 2011:

Argentina, Australia, Brazil, Chile, Cyprus, Finland, France, Germany, Ivory Coast, Japan, Korea, Netherlands, Russia, Switzerland, Trinidad and Tobago, United Kingdom, United States.

Expected to be ratified by one country in 2012:

Sweden.

Progress being made, but without a date for ratification, by 14 countries:

Belgium, Denmark, Greece, India, Indonesia, Madagascar, Nigeria, Philippines, Poland, Singapore, South Africa, Tanzania, Turkey, Ukraine.

Unlikely to be ratified by two countries:

Mexico, New Zealand.

Source: Information reported by ITF affiliates in September 2010.

One step away from enforceable rights

There will be new rights for the world's seafarers in 2012 when the Maritime Labour Convention (MLC), the "Seafarers' Bill of Rights", comes into force. The International Labour Organisation (ILO) convention outlines the minimum rights that seafarers should expect in a wide variety of areas.

The ITF participated in drafting the convention, a process that finished in 2006. Now, each country needs to look at the convention to implement it with its own laws and procedures. So far (in December 2010), 10 countries have formally ratified the convention, but many more are expected to do so in 2011.

The MLC will come into force 12 months after the date on which it is ratified by 30 countries representing 33 per cent of global shipping tonnage. The 10 ratifying countries already represent approximately 46 per cent of the world shipping fleet.

Underlining the progress that was being made, Cleo Doumbia-Henry, international director of labour standards at the International Labour Organisation, told the ITF

“**This is good news for the shipping industry – and excellent news for the world’s 1.5 million seafarers.**”

congress in Mexico City in August 2010 that the MLC was on course for ratification.

“The ‘bill of rights’ consolidates and updates more than 65 international labour standards for seafarers adopted over the previous 80 years,” she said.

Doumbia-Henry described the MLC as a new kind of convention, as it “has teeth” and incorporated procedures for implementation.

Welcoming the prospect of the convention coming into force, Jon Whitlow, ITF seafarers’ section secretary, said: “This is good news for the shipping industry – and excellent news for the world’s 1.5 million seafarers.”

Both the ITF and the ILO expect that 30 countries will have ratified the MLC by the end of 2011. This would mean that all flag states, port states and labour supply states that have already ratified the MLC must begin to enforce it from 2012. If countries ratify the MLC after it comes into force in 2012, then they must begin to enforce it 12 months later.

What makes the MLC different from previous labour conventions is that there are much



The Maritime Labour Convention: what it does

The Maritime Labour Convention is a seafarers’ bill of rights, fought for by the ITF and its affiliates. It gives seafarers basic rights and protections at work. The MLC says that seafarers have a right to:

- a safe and secure workplace
- fair terms of employment
- decent living and working conditions

➤ social protection such as access to medical care, health protection and welfare.

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

Among the key provisions of the convention for seafarers are:

- **An employment agreement**, guaranteeing decent on-board working and living conditions, to be signed by both the seafarer and the shipowner, or a representative of the shipowner.

- **Monthly pay**, in full and in accordance with the employment agreement and any applicable collective agreement.

- **a 14-hour work limit** in any 24-hour period; 72 hours in any seven-day period.

- **The shipowner must pay to repatriate** a seafarer in case of illness, injury, shipwreck, insolvency, sale of ship and so on.

- **Specific requirements for living accommodation** and recreational facilities – including minimum room sizes,

and satisfactory heating, ventilation, sanitary facilities, lighting and hospital accommodation.

- **Access to prompt medical care** when on board and in port.

➡ *Download the ITF’s guide to the Maritime Labour Convention, “A Seafarers’ Bill of Rights”, from www.itfseafarers.org/publications.cfm/detail/23556 or email seafarers@itf.org.uk to request a copy. It is available in Chinese, English, French, Russian and Spanish.*

Maritime Labour Convention



Cleo Doumbia-Henry of the International Labour Organisation addresses the 2010 ITF congress in Mexico City about the Maritime Labour Convention.



better provisions for enforcing it. A whole section of the MLC (Title 5) outlines how it will be enforced. Port state control authorities will inspect ships to ensure they meet MLC standards and will have the power to detain ships if they find problems. Port states that are a part of the Paris Memorandum of Understanding (European Union, Iceland, Norway and Canada) are already developing guidelines for inspecting ships according to the MLC. Trade unions, seafarers and welfare organisations will have the power to complain to port state control inspectors if they are worried about conditions on board.

The MLC will be monitored by a special tripartite committee, in which the ITF plays an important role. If problems arise with how a government is implementing or enforcing the MLC, the ITF can raise it with this committee. The committee will also have the power to amend some parts of the MLC to keep its rules up to date.

Once the convention is in force, ships of all countries will be subject to inspection in the ports of any country that has ratified it. Ships

could be detained if they are deemed not to have met the standards set.

One group of seafarers who stand to benefit from new rights as a result of the MLC are those employed on cruise ships. All workers on cruise ships will be defined as “seafarers” and covered by the provisions of the Maritime Labour Convention. This includes hotel, catering, and other service staff whose work does not primarily involve operating the ship. The only exceptions are entertainers who spend only very short periods of time on board.

This change should give cruise ship workers new rights. The ITF expects that many cruise ship employers will have to upgrade the accommodation that they offer cruise ship workers due to the minimum standards of the convention.

Ships will need to comply with the convention through holding a Maritime Labour Certificate and Declaration of Maritime Labour Compliance issued by the flag state, which must be available on board for any port state inspection.

 For further information visit: www.itfseafarers.org/LOMLC.cfm

SHORE LEAVE

ITF pushes for progress as new US law raises hopes of improved access

Seafarers’ right to shore leave in the US will be enhanced considerably following the signing of a bill in October 2010 by President Barack Obama.

The US Coast Guard Authorisation Act provides the US Coast Guard with some US\$10.7 billion in funding over the next year. It also requires shore-side facilities and terminals to allow access through terminals at no cost to the seafarer.

According to the act, facilities must “provide a system for seafarers assigned to a vessel at that facility, pilots and representatives of seamen’s welfare and labour organisations to board and depart the vessel through the facility in a timely manner at no cost to the individual”.

ITF seafarers’ section secretary Jon Whitlow commented: “This is a most welcome development and will be greatly appreciated by seafarers. It is hoped that other countries will follow the US example and ensure that the access requirements in the International Maritime Organisation’s International Ship

and Port Facility Security Code are strictly implemented.”

The right to shore leave has been under pressure from new worldwide security measures brought in following the 9/11 terrorist attacks in the US in 2001. As a consequence of the International Ship and Port Facility Security Code (ISPS), seafarers are now subject to tight security regulations in port. Seafarers’ movement around ports – even access to telephone booths and welfare missions – is now severely restricted. In US ports, under the ISPS, shore leave has been denied to foreign seafarers without a visa.

Visa requirements and immigration controls are also affecting more and more seafarers, with certain nationalities being subject to greater restrictions than others as crews become multinational. That means some crew members can get shore leave, while their colleagues have to stay on board. There is also a problem with different officials interpreting the rules in different ways. In addition, some shipowners are denying shore

leave to their crews just to avoid possible difficulties.

This tough new security approach affects seafarers’ access to traditional shore-based welfare services, contributes to their isolation, and damages their health and emotional security.

The ITF says that these security measures conflict with the human rights of seafarers, and is campaigning to protect the essential right to shore leave.

There could be greater guarantees of the right to shore leave if new proposals for an international seafarers’ identity document are ratified and implemented.

The International Labour Organisation Convention 185 on Seafarers’ ID could improve the situation by ensuring that all bona fide seafarers have a highly secure ID that is recognised worldwide.

The ITF is campaigning for full ratification of Convention 185 and is monitoring seafarers’ access to shore leave through its international reporting system.



Why world's seafarers now need their own legal watchdog

International maritime journalist Sean Moloney describes the role of the new Seafarers' Rights International centre.

Modern seafarers face a variety of hazards over and above the natural challenges of a life at sea. They are vulnerable to the increasing threat of piracy, to abandonment by struggling shipowners, and they face the possibility of criminalisation in cases of accident even when it can be shown that they were carrying out their roles to the letter.

Stepping into the breach in a bid to wade through a confusing mire of law to clarify and support the role of the seafarer is the ITF-backed Seafarers' Rights International (SRI) – a unique and groundbreaking resource dedicated to advancing the legal protection of seafarers worldwide.

Launched at the end of September 2010 and based in London, the new centre will be led by

Most fear legal threat

More than 90 per cent of seafarers are concerned about the criminalisation of their work, according to a 2010 survey by British/Dutch officers' union Nautilus International. Two-thirds of the members quizzed by the union also said that they had fears about legal action being taken against them.

international lawyer Deirdre Fitzpatrick as executive director. She will be supported by an advisory board comprising experts from the shipping industry and legal world.

The SRI aims to advance the rights and interests of seafarers. It will not handle seafarers'

cases since many others are already doing that but it will provide strategic legal support to contribute to political, industrial, campaigning and lobbying agendas aimed at the promotion, protection and enforcement of seafarers' rights worldwide. In addition to research, it will conduct education and training and it will provide tools that will empower the seafarer and those wishing to protect seafarers through legal means.

Funded by a start-up grant from the ITF Seafarers' Trust charity, the SRI is an independent organisation. It will seek to work in cooperation with all stakeholders in the industry with an interest in the protection of seafarers. Its website will be launched on 25 June 2011, the International Maritime Organisation's "Day of the Seafarer".

“**Seafarers face problems of criminal charges, abandonment, piracy, injury and death, unpaid wages and access to shore leave.**

”

Heading the team



Deirdre Fitzpatrick (left) is the executive director of Seafarers' Rights International. She trained as a solicitor in her native Ireland before working for a firm of

international lawyers in London for several years. She joined the ITF in 1994 to head up the legal services of the ITF.

Why is the SRI needed?

DF: Seafarers need up-to-date, practical and relevant advice to help them find solutions to the growing and increasingly complex number of legal issues that they face. They also need expert lawyers and advisers to assist with their legal problems.

What are these problems?

DF: They include criminal charges, abandonment, piracy, injury and death, unpaid wages and access to shore leave.

What difference can the SRI make to the lives of seafarers?

DF: The SRI is primarily a research centre, and out of that research we plan to produce practical guidance on legal matters. This will above all help seafarers' unions and missions, but will also be useful for seafarers themselves. The output of the SRI will be for use by all organisations and agencies with an interest in seafarers' rights and, in particular, seafarers themselves who need user-friendly advice.

Why is such guidance necessary?

DF: Maritime labour rights are complex because they tend to fall into a grey area between international maritime law and domestic employment law. So expert legal help is needed to navigate around this often very difficult area.

How will the SRI choose its priorities and operate on a day-to-day basis?

DF: The SRI's advisory board will include representatives from the unions, welfare organisations, academic institutions, maritime lawyers and shipowners. They will set the general priorities. The SRI staff will work with universities and others to implement the work programme. Apart from myself, there are three researchers, one Filipino, one Spanish and one US/Romanian.



Seafarers and dockers unite for ‘fair ferries’ campaign in Europe

An ITF week of action highlighted the need for a new direction in the European Union’s policy towards ferries and the regulations covering this vital sector of Europe’s maritime industry.

Seafarers’ and dockers’ trade unions joined together for the campaign week in September 2010, calling for EU action to end unfair practices. This was needed, said the unions, because of unequal working and pay conditions in the sector and because seafarers are being used to carry out work that should be done by trained dockers.

Union members in Belgium, France, Ireland, Netherlands and the UK targeted passenger and cargo ferries during the week of action. They called for what ITF campaign coordinator Norrie McVicar described as “a threshold of decency” in minimum wages for all seafarers, along with proper health and safety protection and respect for dockers’ work.

Throughout the week, dockworker participants spoke to crews, passengers and vessel owners about the dangers involved in seafarers attempting cargo stowage and fastening.

Campaigning began with a rally and demonstration outside Stena Line’s offices in the Hook of Holland. Meanwhile, dockers lobbied freight drivers at the company’s Killingholme terminal in England.

The UK and Irish delegations travelled to the protest in the Netherlands from Harwich on the *Stena Britannica* and, while on board, met the crew and passengers to tell them about the work of the ITF and its affiliated unions involved in the ferry campaign and to explain why Stena Line was being targeted over its treatment of non-EU nationals.

They also collected signatures for a petition calling on the ferry company to respect the rights of all workers to be represented by a trade union. The petition had two key demands:

- stop forcing crews to do dockers’ work



Left: Seafarers and dockers launch the 'fair ferries' campaign week in the British port of Hull. Clockwise from above: ferry crew members and dockers at Zeebrugge, Belgium, joint meeting of seafarers and dockers at Zeebrugge and ITF campaigners at the Hook of Holland, outside Stena Line's offices in the port and at the British port of Immingham.



➡ Do you work on a ferry or ro-ro vessel in Europe?

Inform us if you are requested to do the job of a docker on board your vessel. Let us know what, where and when this happened, along with the name of the vessel.

Also get in touch with us if you are working on board a vessel and you believe the terms and conditions of your contract are below acceptable standards. You may convey this information anonymously if it is difficult for you to step forward.

Contact the ITF with a short text message to +32486123890 or email dockers.seafarers@gmail.com

● employ all seafarers on an equal and fair basis.

The Spanish-flag *L'Audace* – a vessel known to Belgian dockers' unions for crew lashing activities in European ports and at sea – arrived in Zeebrugge on the same day. On docking it was found that the crew had unlash the cargo prior to arrival.

The Belgian unions then met the port authorities and took action, backed up three days later by British dockers in the port of Southampton, when the vessel docked there.

The company agreed to talks with unions to prevent the same situation recurring.

The week also saw the British seafarers' union RMT mount a vigorous attack on Stena Line's attitude to the employment of cheap labour – which includes paying some of its Filipino seafarers 2 euros an hour.

McVicar said: "Further campaign initiatives will continue to target Stena Line, and ITF affiliates are also waiting to hear from Northlink Ferries, Seatruck Ferries and Fastnet Line Ferries in connection with the same policy objectives.

"The ITF and its European arm, the ETF (European Transport Workers' Federation), once again call on the European Commission to reopen discussions on the Passenger Ferry Manning Directive which was withdrawn in 2004."

McVicar explained that the European Union had failed to take action to address safety concerns since disasters in the 1990s involving the *Scandinavian Star* and *Estonia*, with the loss of more than 1,000 lives. In 2000 the European Commission issued a draft directive addressing some of the concerns but it was blocked by the Council of Ministers and was withdrawn in 2004.

He went on: "The launch of this campaign reflects the frustration of 10 wasted years since the European Commission proposed a directive for passenger services that would have guaranteed equal working rights and conditions for EU and non-EU crews, and addressed safety concerns raised by the employment of multilingual and multinational crews. That proposed directive was quashed after intensive lobbying by shipowners."

He added: "The result has been a decade of job losses, with long-serving crews cut and then cut again, to be replaced, if at all, with cheaper non-EU personnel, many of whom are now even being encouraged to carry out cargo handling work that has always been the preserve of safety-trained dockers."

➡ Join our Facebook site

One of the campaign initiatives is the use of the available social network sites. On Facebook there is a "Dockers Seafarers" site. See www.facebook.com/dockers.seafarers. Over 1,000 dockers and seafarers have joined already. There is also a Fair Ferries Campaign blog; see: <http://fair-ferries.blogspot.com>

Michel Claes, general secretary of the maritime section of the Belgian ACV Transcom union, commented: "Seafarers, often from outside the European Union, are being asked to take over the jobs of dockers. This is social dumping. Unions are prepared and ready to stop this, and more rigorous inspections of vessels will take place in the future."

Unions insist that the fair ferries campaign will continue in 2011 and beyond. Further campaign initiatives will focus on those ferry and ro-ro companies where social dumping and crew cargo-handling activities are taking place.

In a sign of things to come, the Italian-flag *Grand Benelux*, on which crew cargo handling activities were observed when the ship called at Antwerp a few days after the week of action, came under scrutiny from the unions. They noted that Grimaldi Lines crews are often instructed to do cargo handling, both at sea and in ports where dock labour is available.

The company was told that this was unacceptable and, following pressure from dockers' union Unite in Great Britain, agreed to negotiations to discuss the problem.



TRANSPORT: Seafarers' centre van provided by the Trust in Esbjerg, Denmark.



CENTRE: Trust-funded seafarers' centre in Réunion.



COMMUNICATION: Calling home from the ITF co-funded Stella Maris in Santos, Brazil.



VISITS: Chaplain J Simon Dharmaraj of the Trust-supported Mission to Seafarers visiting a ship in Tuticorin, India.

30 years of welcoming seafarers

In 1981 the ITF Seafarers' Trust was born, which makes 2011 the 30th anniversary of the Trust. What is the Trust and what has it been doing for seafarers for 30 years? Why do seafarers need a charity anyway? TOM HOLMER provides the answers.

Over the past 30 years, the Trust has spent more than US\$200 million to provide facilities and services for seafarers visiting ports in 91 countries around the world. The money has been used on buildings, on vehicles for seafarer transport, on new centres for seafarers, on assistance in communication with home and on training people who meet seafarers in port and who work with seafarers' families – all on a non-commercial basis.

The ITF Seafarers' Trust is a UK-based charity. As well as funds donated directly by the ITF, it benefits from the money which the ITF would otherwise pay in tax to the UK government. Instead, the money is spent on charitable services for seafarers.

In common with the ITF, the Trust sees seafarers as professional, hard working people who make a vital contribution to world trade and provide the necessities of life for all of us. We understand their need for communication facilities, transport when a ship arrives in port, a welcome in port after a long voyage and the need to get ashore and see something other than the inside of a ship. The money that the Trust gives to organisations like the Mission to Seafarers, Stella Maris and the Sailors' Society helps to facilitate this welcome ashore.

We understand that life at sea can be isolated in terms of the contact with friends and family – something that is taken for granted by workers ashore. Communication for seafarers is one of the priority areas for the Trust. In five to 10 years we hope that most seafarers will be able to speak to their families on a daily basis from their ship, whether at sea or in port, free of charge.

This is possible now and happens on some ships, but we want to try and make this happen for all seafarers.

Until crew communications are properly dealt with on board, the Trust will be working to improve wi-fi access in ports. We will do this by putting equipment on board ships through ship visitors to assist communication while the ship is in port or by paying for the installation of wireless zones in ports so that seafarers can connect using their own laptops directly from the ship without the need for other equipment.

Transport in ports is still needed for many seafarers. Some shipowners provide their seafarers with access to a vehicle for the time that the ship is in port. But these are a very small minority at present. While shore leave has become more difficult to take with the increasing demands on seafarers to work while the ship is alongside, it is still recognised as necessary for seafarers' well-being to get off the ship. That is why the Trust continues to put a lot of money into vehicles that will do this for as many seafarers as possible.

The Trust is working with other organisations to help with the issues arising from the criminalisation of seafarers, where seafarers in the course of their professional work are penalised by legal systems which they do not understand and which do not understand the situation of seafarers. We are seeking to help seafarers caught up in these situations.

The Trust is also concerned with the health of seafarers. Through programmes like the Seafarers' Health Information Programme we have paid to get messages which will benefit the health of seafarers onto ships and taken up by the industry. These materials consist of posters, DVDs, booklets and manuals. We have also provided these materials to employers and international organisations who understand the importance of the well-being of seafarers in terms of diet and protection against illnesses (malaria, heart disease, HIV etc) through basic education.

We are pressing to have more ship visitors who will be able to be a link with shore for seafarers arriving in a new country; we are undertaking research to see what seafarers need and what the welfare workers who work with seafarers need. We are working too to make ports better places for seafarers.

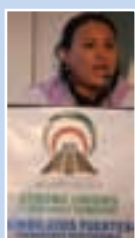
Let us know what you like about what the Trust does and what you would like us to do in the future. Contact: trust@itf.org.uk and visit our website: www.itfglobal.org/seafarers-trust

● Tom Holmer is the administrative officer of the ITF Seafarers' Trust.



The Deepwater Horizon oil rig disaster was responsible for the loss of 11 lives and oil pollution that devastated the Gulf of Mexico in 2010. The platform was registered in the Marshall Islands, one of the leading flag of convenience states. The rig was owned by Transocean but under lease to BP when it exploded on 20 April. Members of the US Congress have accused Transocean of attempting to avoid the stricter safety standards of the US Coast Guard by registering in the flag of convenience state rather than in the US.

It could happen again



Mexico is pressing ahead with the exploration and exploitation of oil

and gas reserves in its deep offshore waters – but without the essential technical training for workers employed in the industry. The result, warns **Ana Lilia Pérez** (pictured), could be disasters similar to BP's *Deepwater Horizon* explosion in the Gulf of Mexico in 2010.

Nearly two years have passed since approval was given for an energy programme that Pemex (Petróleos Mexicanos) claimed would extract crude oil at depths greater than 500 metres in the Gulf of Mexico. Yet training programmes for personnel assigned to this type of operation, considered to be the most dangerous in what is already a high-risk industry, have failed to materialise.

When it presented its proposals to the Mexican federal legislature, Pemex executives said there was an urgent need to prepare human resources for this new phase of production. Nothing has happened so far, even though drilling operations have begun and four rigs operated by private companies will soon begin work.

To proceed in this way may result in accidents much more serious than BP's *Deepwater Horizon* disaster. This is the opinion of offshore industry representatives who met in August 2010 in Mexico City to discuss workers' conditions in the industry as part of the ITF congress.

Experts from Norway, the UK and Brazil, countries with experience of deepwater production, concluded that Pemex had not even been able to tackle safety issues in shallow waters, where the work is carried out by subcontractors. And they claimed that the main problem was corruption.

"The companies that work with Pemex operate with very low quality and safety standards because, they say, that's the way it is in Mexico, that's the way it is with Pemex," said Norrie

McVicar, chair of the ITF's offshore task force group. "At meetings in the sector, many people complain that they are forced to play along with corrupt practices that would be unacceptable in other countries. However, this kind of thing cannot be allowed to happen with deepwater operations. The lives of workers, the environment and Pemex assets are at stake."

Leaders of the ITF made clear their concern following a meeting with representatives of Mexico's Ministry of Energy (SENER) and Ministry of Labour and Social Welfare (STPS), where "it was clear to us that they were not interested in or concerned about the inadequate working conditions in the Mexican oil industry", explained Antonio Rodríguez Fritz, ITF Americas regional secretary.

The price of inexperience

The accident involving the *Deepwater Horizon* rig, owned by the Swiss company Transocean and leased to BP, rang alarm bells in the international oil industry, not only because of the death of 11 workers and the cost of the explosion and sinking of the rig and the 4.9 million barrels of oil that leaked across a 64 km-wide area to the south east of the mouth of the River Mississippi, but because BP supposedly had the best training and safety standards in the industry.

According to Norrie McVicar, the inspection reports pointed to seven factors that contributed



“**‘Cost cutting’ involves not providing workers with even basic safety equipment, such as overalls, clubs, helmets, boots and goggles.**”



to the accident, two of them technical and the other five human. The 126 workers (79 employed by Transocean, seven by BP and 40 by other companies) did not have sufficient training. “They were not provided with a proper health and safety committee capable of identifying and taking decisions on the problems, managing the risks and correcting them in time.”

McVicar adds: “Some are seeing this accident in terms of the loss of human life: others look at the ecological impact. We are seeing it in terms of what could happen in Mexico. It is highly likely that there will be an accident of this kind, due to the serious problems in the industry, particularly in the Campeche Basin, an area drowned in corruption.”

The price of reducing costs

The *Deepwater Horizon* accident highlighted practices associated with the cost-cutting exercises in the oil industry – all undertaken to increase their profits.

Many companies recruit cheap labour instead of specialised personnel and neglect maintenance of their installations, claims the Mexican labour research centre CERL (Centro de Estudios de Reflexión Laboral).

This is how most Pemex contractors and subcontractors operate, particularly in offshore oil fields, where there is practically no supervising authority. “Cost cutting” involves not providing workers with even basic safety equipment, such as overalls, clubs, helmets, boots and goggles. It involves the recruitment of cheap labour, including minors and people who do not know the first thing about the job, as was the case in Pemex’s *Usumacinta* rig accident in October 2007 in the Gulf of Mexico that killed 21 workers.

The result is frequent accidents. It is impossible to calculate the cost in human lives and financial losses because of the official secrecy surrounding the accidents.

This was all documented by the ITF in its report: “Campeche Basin, Paradigm of Labour Exploitation”, submitted to the International Labour Organisation in 2009 and, in Mexico, to a meeting at which SENER, STPS and Pemex representatives promised to improve the situation.

One year later, the ITF said the situation has not changed, “but anyone operating in deepwater under current conditions will endanger workers, the industry and the environment”, warned Antonio Rodríguez Fritz.

In addition to the risks that workers in the black gold industry are exposed to on a daily basis, deepwater operations involve

environmental and technical complications. Sea currents move the structures and produce vibrations in the pipes and drilling equipment.

The different temperatures between the surface, the seabed and drilled areas complicate the pumping of drilling fluids. If the temperatures are too low, they alter the properties of the cement used to secure the tubes lining the well.

During drilling, there are gas and water flows at abnormal pressures that are difficult to control.


Maintenance and inspection of the underwater infrastructure must be carried out using robots because human beings cannot survive at these depths. Strict logistics are required for such daily tasks as the transfer of workers on to the rigs, an operation that is not even carried out safely and efficiently in the shallow waters of the Campeche Basin. The workers live in fear of a disaster because of the poor condition of boats and aircraft and the incapacity of the contractors who lease such equipment, as in the case of the launch *Seba’an* that sank in August 2010.

What if...?

The ITF’s Norrie McVicar believes that what is becoming clear for a country like Mexico, whose economy largely depends on oil revenues, “is that the government needs to promote an end to corruption and provide greater transparency of administration, employment contracts and regulation of working conditions”. If not, he says, “development of the industry in deepwater will highlight these problems”.

We asked McVicar what would happen if deepwater exploration and exploitation went ahead without current deficiencies being dealt with. “It is obvious. It will lead to the collapse of Mexico’s main industry. The days of cheap oil, when you could explore and exploit in shallow waters at low cost, are over. The days of drilling in shallow waters have finished. In the context of continued consumption of hydrocarbons, it is necessary to begin to explore and exploit in deep waters, which is more costly and requires more sophisticated technology, but also requires strict safety and training standards and also fair working conditions for workers.

“This is because, as has been proven, human factors are also to blame in accidents such as the BP accident.”

 Watch the ITF video “Oil on Troubled Waters: Fighting for trade union rights in Mexico’s offshore oilfields” at: www.youtube.com/watch?v=NAOsU2moVpE

● A longer version of this article first appeared in the Mexican news magazine *ContraLinea* in September 2010. Ana Lilia Pérez is a prize-winning investigative reporter.



Julio Cesar Hernández



Exposed: the scandal of human rights abuses on illegal fishing vessels

Pirate fishing operations are often characterised by the lowest standards of working conditions and extensive reports of abuse. ITF-backed investigations by the Environmental Justice Foundation (EJF) have documented crews on fishing boats in the IUU (illegal, unreported and unregulated) sector of the industry working under slave like-conditions and facing daily exploitation and abuse.

In a new report “All at Sea: the abuse of human rights aboard illegal fishing vessels”, the EJF exposes these human rights abuses and documents how the lack of international regulation, including the exploitation of flags of convenience, allows pirate fishing operators to perpetuate these abuses with virtual impunity.

Exploitation and abuse

The terrible and often illegal treatment of workers aboard IUU vessels includes financial exploitation; poor health-care, food and accommodation; poor vessel safety; verbal and physical abuse; incarceration; and abandonment. The worst cases meet International Labour Organisation (ILO) definitions of forced labour, including physical confinement, compulsion, retention of identity documents, and non-payment of wages.

Crew members aboard IUU vessels have reported being punched, beaten with metal rods, deprived of sleep, imprisoned without food or water, forced to continue working after injury; the worst cases of violence include murder. Travel documents are often confiscated and withheld; cases of abandonment are also reported. Violations of

The fishing industry is home to some of the worst examples of abuse in the workplace. This is revealed in a report which links these abuses with illegal fishing undertaken under flags of convenience.

fair and promised pay are common, particularly the extraction of “agency fees” and the withholding of pay at the end of the contract period.

Recruited crew members may pay up to several times their supposed monthly wage for these “fees”, and there have been reported examples of fishers working without pay for several years. The majority of these men are from developing countries, are often illiterate, are recruited from rural areas where jobs are scarce and have no idea at all what faces them once they are on board a pirate fishing vessel and out at sea.

While the EJF’s investigations have focused on pirate fishing vessels operating off West Africa, the issue is a global one. The “All at Sea” report presents case studies, including several supplied by the ITF and the United Nations Inter-Agency Project on Human Trafficking. They highlight the exploitation of crews working on illegal fishing vessels from regions as diverse as South-East Asia, the Pacific and Indian Oceans, and even Antarctica.

Rossen Karavatchev of the ITF seafarers’ section, welcomed the EJF initiative exposing human rights abuses on illegal “pirate” fishing vessels. “The ITF has always maintained that there is an inextricable link between IUU fisheries and vessels that fly a flag of convenience, allowing the beneficial owners to be hidden and making it easy for unscrupulous operators to evade regulation and abuse fishers. We believe that states should take their responsibilities seriously and make eradication of IUU fishing possible.”



Pirate fishing operations are able to perpetuate these human rights abuses as a result of the complete failure of the international community to ratify instruments aimed at establishing minimum safety and labour requirements for fishing vessels.

When combined with poor enforcement of existing regulations by flag states, shipowners can allow the deterioration of the vessel so that it is not seaworthy and fail to provide safety equipment. As regulatory frameworks that address labour conditions aboard fisheries vessels have not been adopted, ratified or adequately enforced by the international community, there is essentially no legal framework to protect workers on pirate fishing vessels.


Role of flags of convenience

The use of flags of convenience (FOCs) by IUU fisheries vessels has also been identified as a big problem. FOC states generally lack the capacity and the will to enforce fisheries and labour laws on vessels flying their flag, thereby facilitating the actions of IUU fishing

operators by minimising the risk of detection and punishment.

FOCs are notoriously easy, quick and cheap to acquire, allowing pirate fishing vessels to re-flag and change names several times in a season to avoid the authorities. Backed by shell companies, joint-ventures and hidden owners, FOCs severely constrain efforts to combat IUU fishing, as they make it extremely difficult to locate and penalise the real owners of vessels that fish illegally and exploit their crews.

The EJF's report presents a compelling case for a ban on the use of FOCs for fishing vessels (and associated fisheries support ships) as a means to support international action to eliminate crew exploitation and address the deficiencies in international regulation that allow them to proliferate. The EJF is also calling for the ILO and International Maritime Organisation conventions that exist to address crew treatment, training and vessel safety to be ratified and implemented by all coastal states.

 The "All at Sea" report can be viewed in full at: www.ejfoundation.org/page682.html

WORK IN FISHERIES CONVENTION

Unions press for workers' rights

Unions at the 2010 ITF congress agreed that more efforts were needed to persuade governments to ratify the International Labour Organisation's Work in Fishing Convention 188.

The convention incorporates and updates most of the existing ILO fishing instruments on working conditions, mainly on large fishing craft.

It needs to be ratified by 10 countries, including eight coastal states, before beginning the process of coming into force. So far, only one country has ratified it.

Meanwhile in October 2010 the ITF's European arm, the ETF, and

Europêche, partners in the sectoral social dialogue committee for sea fisheries in the European Union, started negotiating a social partners agreement to transpose ILO Convention 188 into EU law.

The aim is to improve living and working conditions onboard and guarantee equal treatment for all fishing professionals in Europe but also to encourage third country members of the ILO to ratify the convention as soon as possible.

The Work in Fishing Convention was adopted in 2007 to set standards to protect workers in the fishing sector. It aims to

ensure that fishers:

- have improved occupational safety and health and medical care at sea, and that sick or injured fishers receive care ashore
- receive sufficient rest for their health and safety
- have the protection of a work agreement
- have the same social security protection as other workers.

There are also measures to ensure compliance and enforcement.

Large fishing vessels on extended voyages may be inspected in foreign ports to ensure that fishers do not work under conditions that are hazardous to their safety and health.





How safe are the boxes?

“Exceeding the maximum gross weight can produce dangers when the container is handled in port or when it is stacked on a ship – especially in cases where heavy containers are placed on top of lighter ones.”

By Frank Leys

ITF dockers' section secretary

Just about everyone who works in the transport industry deals with containers, especially seafarers, dockers and road and rail transport workers. Though reports of accidents have increased in recent years, the safety of containers has not been given the attention it deserves. The ITF and its member unions now want everyone in transport to make container safety a priority.

Because containers are closed units, no-one sees what is inside them. So we cannot check whether the contents are well stowed, well secured and what the weight of the container is.

This state of affairs can be dangerous for transport workers, for example those responsible for lifting containers and loading them on ships, or those who have to carry them by sea from port to port.

That is why unions representing seafarers and dockers are pressing the International Labour Organisation to probe why the many rules and regulations about containers are routinely ignored or not implemented.

If the International Maritime Organisation (IMO) regulations governing containers were respected, unions would have no cause for concern.

Instead, it is also common for hazardous goods and substances not to be declared. Similarly, we regularly come across cases of containers that, according to their manifest, should have been empty – but their weight, when checked, exceeds 20 tonnes.

The right weight

Weight is an important issue. The actual weight of the container often doesn't correspond with what is stated in the accompanying paperwork. Exceeding the maximum gross weight can produce dangers when the container is handled in port or when it is stacked on a ship – especially in cases where heavy containers are placed on top of lighter ones or where the total weight of the containers on board is greater than what is shown in the stowage plan.

The ITF is working with all the key stakeholders in the transport industry to seek action on container safety. They include the international organisations





No shortage of regulations

International Maritime Organisation regulations governing the transport of containers:

- Safety of Life at Sea Convention
- International Convention for Safe Containers
- Code of Safe Practice for Cargo Stowage and Securing
- International Maritime Dangerous Goods Code
- Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances
- Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form
- Pollution Liability Conventions.

Other international regulations on the transport of containers include: WCO (World Customs Organisation) Customs Convention; UNECE (United Nations Economic Commission for Europe) Convention on International Transport of Goods Under Cover of TIR Carnets; UNECE Convention on the International Carriage of Perishable Foodstuffs; Cargo Liability Conventions; and UNECE DG (Dangerous Goods) Regulations.



representing shippers, shipping companies, ports and harbours and road and rail operators. We are also working closely with the international trade union movement, as unions represent the weakest link in the container transport chain – those workers who can be victims of accidents involving unsafe containers.

An indication of the neglect of container safety is the fact that comprehensive statistics on accidents are not available; they are simply not compiled internationally or nationally.

What we have is plenty of anecdotal evidence of serious accidents. And we have a 2008 IMO survey of containers with hazardous contents, which found that 5 per cent of them were faulty. Shockingly, this suggests that 15,000 faulty containers with hazardous contents were being transported at any one time.

Survey's findings

A more recent survey of freight forwarders in the United Kingdom found that only 15 per cent of them used IMO and ILO guidelines on the packing of cargo. Seventy-seven per cent of them were not even aware of the guidelines!

The results of this survey point to the disturbing trend of containers being loaded in many cases by people who have not been properly trained and are unaware of the appropriate rules and regulations.

As well as greater efforts by national and

international authorities to enforce container safety regulations, what the ITF wants is a clear chain of responsibility for container packing and movements. This would allow negligent parties to be held to account following an accident and to be liable for the costs of reparation and compensation.

“
The results of this survey point to the disturbing trend of containers being loaded in many cases by people who have not been properly trained and are unaware of the appropriate rules and regulations.
”

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!

