



THE ETF CHARTER FOR EU SEAFARERS

EUROPEAN TRANSPORT WORKERS' FEDERATION

FEDERATION EUROPEENNE DES TRAVAILLEURS DES TRANSPORTS

A Charter for European Seafarers and for a sustainable maritime industry in Europe

The European Transport Workers' Federation (ETF) calls upon the European policy makers to join its campaign for a fundamental review of the terms and conditions of employment of seafarers and employees in the maritime sector of the EU.

The objective is to ensure that the employment rights of seafarers and employees in the EU Maritime cluster are the same in both coverage and level as those enjoyed by EU citizens employed in other land based industries and services.

At the minimum, a Charter for European seafarers and employees in the maritime cluster would include: the right to continued employment, the protection against victimisation and unfair dismissal, the right of representation, the right of association, the right of collective negotiation and the right of access to information. To ensure compliance, companies owning, chartering or operating vessels that use EU ports, irrespective of the flag they use, must provide these basic rights for the crews of such vessels. Such rights must be real, unequivocal and subject to verification.

The ETF solemnly calls on the European policy makers to firmly engage in the promotion of a Charter for European seafarers in the EU maritime sector and workers in the EU maritime cluster which should include:

1. **More Employment opportunities for (young) EU seafarers:** European jobs are being replaced by cheaper labour outside Europe. The EU should secure the (re-)employment of Europeans on board EU vessels and an entry route for young people wishing to join the maritime sector. The incentives and training should centre on an EU wide recognised seafarer-training certificate and a guarantee of employment following graduation. This is required to address the shortage of sea-going employees from European nations.
2. **Stop social dumping and the race to the bottom in wages:** the discrimination between seafarers working onboard the same vessel on grounds of nationality and/or place of residence, and the downwards spiral in salaries should no more be tolerated.
3. **The closing of loopholes:** State aid grants have had little impact on re-flagging, training, employment of European nationals and the continued use of Flags of Convenience. EU taxpayers' money is now spent to employ non EU seafarers and shipowners are getting the advantages while seafarers do not get any benefits at all. Loopholes need to be closed, for example, "Brass plate" companies that take advantage of tonnage tax, the use of chartered ships and the use of disreputable manning agencies, including those from outside of the EU27. Moreover, future state aids granting should be strictly linked to the employment of EU nationals. Second registers can be allowed but on conditions that there is a clear benefit for EU seafarers. This must happen now even though State Aids are to be renegotiated in 2011.

The ETF represents more than 2.5 million transport workers from 223 transport unions and 40 European countries, in the following sectors: railways, road transport and logistics, maritime transport, inland navigation, civil aviation, ports & docks, tourism and fisheries.

4. **Equalities rights:** in line with those applicable for shore based employees, including equal pay for work of equal value, irrespective of nationality (and place of residence), race, gender, sexual orientation, religion, disability or age. In order to achieve this, the ETF called for the full inclusion of seafarers into the social and labour directives where they are now excluded.
5. **Regulation of the maritime sector:** The current difficulties experienced by the world's financial sector are a vivid and timely reminder of the need for the adequate regulation of markets. Regulation is required to stabilise and encourage a sustainable maritime industry within Europe, to help eradicate the poor living and working conditions that are all too often associated with a seafaring job and to promote both the recruitment and the retention of a well skilled EU workforce willing to take up in maritime careers.
6. **Regulation of competition in the sector:** to ensure that FOC ships using EU ports and trading between EU countries are regulated at the same level as national flags. Fair treatment of the seafarers involved and EU environmental concerns can only be effectively addressed when competition is regulated.
7. **Revival of the Manning Directive:** the initiative of the Commission, withdrawn in 2004, must be revived and implemented. This would be a significant step creating the legislative framework to implement the so-called ITF "Athens policy", which aims to ensure that the social conditions onboard a ship operating between different states are those of the country which applies the most favourable standards. An EU wide duty of care should be acknowledged that would extend the Athens policy to apply to all intra community trade.
8. **A right to safe conditions of employment:** including maximum hours of employment and adequate manning for the duties required for the safe operation of vessels within European waters, beyond national territorial limits.
9. **A right for social security and state pension entitlements,** granted to all seafarers serving on board EU flagged vessels, irrespective of their nationality and their place of residence.
10. **A right for the protection by law:** requiring establishment of a maritime policing agency with powers to protect and to serve those at sea to the same standards as provided on land. A presumption in law that all rights applicable for EU citizens must apply at sea.

Given the size of the Maritime Cluster and the shore based employment that is a direct result of the shipping industry in the EU 27, the lack of consistent and reliable data on the numbers of seafarers employed is lamentable and must be addressed. There is an urgent need for the establishment of an official database such that accurate and reliable employment data can be generated across the EU.

To elaborate and progress the ten points made above there is also a compelling case for a commission of inquiry to study and recommend how the conditions of service of seafarers and the competitive position of the EU maritime sector can be improved. Such a commission could also propose the adoption of new standards for the law at sea within Europe and recommend how to provide the enforcement of such laws by a judicial process subsidiary to the EU with jurisdiction for imposing justice within a prescribed area of sea.

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