



SEAFARERS MISSION CENTER, Inc

Rm. 603 Don Santiago Bldg. 1344 Taft Ave.,
Ermita, Manila, Philippines

P.O. Box 10459 Broadway Centrum
Blvd., Quezon City, Philippines

Tel. No.: (632) 523-82-71 loc. 54 Aurora
TeL/Fax No.: (632) 526-39-09

1 August 2000

To : The Honorable Chairman
International Commission on Shipping (ICONS)

From : The Seafarers Mission Center, Inc. Manila

Subject: OPPOSITION TO THE NEW POEA STANDARD AGREEMENT FOR FILIPINO SEAFARERS

Sir:

The Seafarers Mission Center, Inc. (Philippines) is part of the worldwide network of the Center for Seafarers' Rights of the Seamen's Church Institute of New York 85 New Jersey and The Missions to Seafarers (Flying Angels) family.

In the interest of promoting and protecting seafarers rights, we wish to submit to your Commission the following comments / reasons why we are opposing the new POEA Standard Agreement for Filipino seafarers:

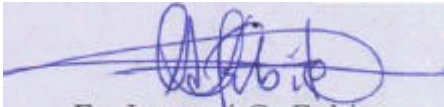
- 1) The agreement specifically requires employers to provide seaworthy ship, take reasonable measures to prevent accidents and provide safety equipment - obligations that are already required by the general maritime law and international conventions.
- 2) The agreement adds a new duty for seafarers and masters to follow the **Code of Ethics for Seafarers**, but the Code is not attached to the contract nor is it readily available. There is no code of ethics for employers mentioned.
- 3) The agreement now requires seafarers to comply with "company policy" - whatever that may be. This provision gives employers the unregulated right to create and enforce their policies that have not been reviewed by the POEA or seafarers and which might be unreasonable, unfair or unjust.
- 4) Some of the worst changes are limitations on seafarers' centuries old rights to medical care for all injuries and illness incurred while employed on the ship (maintenance and cure). Under the new agreement, employers are responsible for paying only for seafarers' occupational injuries and diseases that were job related. Compensation for injuries, illnesses and disability is limited by the agreement.
- 5) Seafarers must disclose their past medical conditions, disabilities and medical histories. If they do not, they risk disqualification from compensation and benefits, termination from employment and punitive sanctions.

- 6) The new agreement adds several new offenses to its already long table of offenses and penalties for seafarers. (There is no corresponding list of offenses and penalties for employers.) Some of the offenses are unconsciously vague and clearly designed to deter seafarers from participating in legitimate collective actions. Some of the new offenses are: "creating trouble outside the vessel's premises," "concerted action to breach approved contracts" and " any activity which tend to destroy the harmonious relationship of the company."

For centuries, maritime nations' courts and governments have provided seafarers special protections under maritime laws, recognizing that seafarers are vulnerable to abuse and exploitation because of their unequal bargaining position with relation to their employers. It is astonishing that in today's environment, where seafarers are increasingly abused, exploited and abandoned, and where employers can hide behind layers of corporate ownership and flee through jurisdictional cracks, that the POEA would amend their standard agreement to provide more protection for employers and discard centuries old seafarers' rights.

If the new POEA standard agreement signals a trend in the maritime industry, the trend is an unfortunate one for seafarers.

Respectfully submitted:



Fr. Isagani G. Fabito
Chaplain