



# Seafarers' Bulletin

English | no.32/2018

International Transport Workers' Federation

A silhouette of a person, likely a seafarer, looking out at the sea at sunset. The sun is low on the horizon, creating a bright, hazy glow in the sky and reflecting on the water. The person's head and shoulders are in shadow, contrasting with the bright background.

## Abandonment: a blight on the industry

In this issue:

**New Arab World Network assisting seafarers**

**Criminalisation – advice on your rights**

**Your pullout guide to getting help**



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The International Transport Workers' Federation (ITF) is an international trade union federation of transport trade unions, representing around 4.5 million transport workers in 700 unions in some 150 countries, including more than 600,000 seafarers. It is organised in eight industrial sections: seafarers, fishers, inland navigation, dockers, railways, road transport, civil aviation and tourism services. It represents transport workers at world level and promotes their interests through global campaigning and solidarity. The ITF has 140 inspectors and contacts working in ports worldwide.

## ITF SEAFARERS' BULLETIN no.32/2018

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**Cover photo:** Danny Cornelissen, Maritime Photographer

# Welcome



**The abandonment of seafarers plagues the maritime industry. There are still shipowners out there who are ignoring their responsibilities and leaving seafarers adrift in impossible circumstances. As a seafarer, if you are abandoned, what should you do? What are your rights? Are abandoned seafarers in fact victims of modern slavery? Abandonment is a central theme of this Seafarers' Bulletin and stories include a seafarers' personal account.**

Millions of workers in the fishing sector, who often work in the most lawless parts of the world, can hope to see improved working conditions thanks to the entry into force on 16 November 2017 of the International Labour Organisation's (ILO) Work in fishing convention (No. 188). In Stories from the frontline we bring you a story about one of the first ITF inspections of a fishing vessel.

Seafarers' Bulletin also shines a spotlight on the criminalisation of seafarers, with the dreadful story of the Asteris crew in Nigeria. If you should find yourself facing criminal charges or investigation, read our guide about what to do and where to turn for advice and support.

So we can better serve seafarers and other transport workers worldwide, the ITF and its unions are focusing on innovative campaigns, growing our unions, creating more active members and constructive relationships with employers and governments.

A great example of this approach in action is in Singapore. Seafarers' Bulletin interviews Mary Liew, president of the Singapore Maritime Officers Union, which collaborates effectively with the maritime industry and government to deliver training and better conditions for Singapore's seafarers.

I'm pleased to introduce the latest crop of new ITF inspectors. They are part of our global network of 140 inspectors and contacts who fight tirelessly alongside you to win better conditions at work. I encourage you to watch the film about the remarkable life of ITF inspector and activist Shwe Tun Aung (see page 34).

Our eight-page pullout guide shows you how to contact ITF inspectors, and gives advice on being hired and how to avoid falling victim to scam recruiters.

I hope these stories convince you that being in an ITF union makes you part of a powerful global family that fights by your side at all times. Come on, join us.

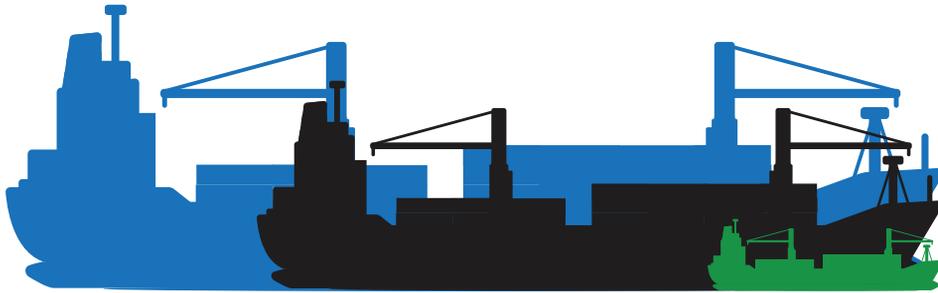
**Steve Cotton**  
ITF general secretary

# The ITF FOC campaign in numbers (2017)

## ITF inspections

(at time of going to press)

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



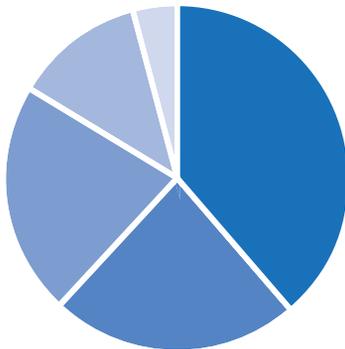
## Total backpay recovered

(at time of going to press)



## Top five problems found during ITF inspections

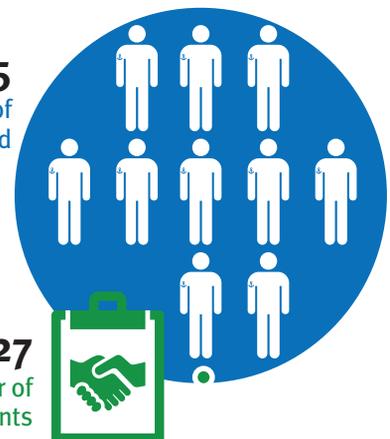
(at time of going to press)



## Vessels and seafarers covered by ITF agreements

(at time of going to press)

**297,455**  
Total number of  
Seafarers covered



**12,527**  
Total number of  
agreements





# ITF Arab World network

**ITF inspector Mohamed Arrachedi describes the ITF's new Arab World network he co-ordinates in response to the increasing challenge posed by the number and complexity of cases involving seafarers being abandoned or unpaid in the Arab World**

**Most countries in the region haven't ratified the Maritime Labour Convention, 2006 (MLC, 2006), and while there are several dynamic unions in North African countries, the situation is different in the Gulf. This means there aren't the mechanisms and resources we rely on elsewhere, so seafarers calling at Arab World ports are particularly vulnerable to exploitation.**

In January 2017 the ITF established the Arab World project to develop a stronger structure of union contacts – named people in our affiliated unions with English language skills and union and maritime experience – for responding to calls for help.

I both handle and co-ordinate cases, liaising with union contacts on the ground and with the ITF secretariat. When we receive a call for help, we get in touch with our established ITF contacts or, where we don't have any, we contact the unions and seek their help. If it's appropriate in terms of our strategy and aims, we suggest collaboration with them and they can then become contacts

for the future. We have ITF contacts in Algeria and Morocco and union contacts for the ITF flag of convenience (FOC) campaign in Yemen, Bahrain and Oman, Kuwait, Iraq, Jordan and Tunisia.

We are training up more contacts to handle cases. ITF training includes ship inspections, the MLC, ITF agreements, the FOC campaign, and how local unions can be involved. Over 25 people from Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Morocco, Oman and Tunisia participated in a two-day course in December 2016 in Jordan. Since then, those contacts have assisted effectively in a number of very difficult cases, including helping the crews of the Yas caught up in the conflict in Yemen (see page 6). In early 2018 we will be training our Yemeni contacts.

Collaboration with the maritime authorities in the region is vital. In October 2017, a meeting between the ITF and the UAE federal transport authority (FTA) was a major achievement, as we agreed to work together to tackle abandonment cases in UAE waters, including developing a protocol of

*Continued on page 6 >*

**ITF Arab World network***Continued from page 5*

collaboration to be signed early this year (2018). The FTA announced it would push for the UAE to ratify the MLC 2006 and the ITF committed to support them in achieving this.

On 11-12 December 2017 the ITF held a meeting in Bahrain to bring together representatives of the Arab World regional office, local union GFBTU and the Bahraini maritime administration, as well as representatives from other Arab World countries. We look forward to building on these new network relationships and aim for MLC, 2006 ratification in the near future.

It's gone well so far. Now we have to consolidate our achievements and move forward, through more diverse and deeper training and solidarity building, and by expanding the network to new areas of work, affiliates and countries. We're also actively collaborating with affiliated unions in Iran and training is planned for early 2018 to create FOC campaign contacts there. ■

**'a meeting between the ITF and the UAE federal transport authority (FTA) was a major achievement, as we agreed to work together to tackle abandonment'**

ITF Inspector Mohamed Arrachedi

## Co-ordinated help gets Yas crew out of conflict-ridden Yemen

The crew of the Panama-flagged cargo ship *Yas* approached the ITF for assistance in April 2017 after the vessel had been arrested when it berthed in Aden, Yemen



The 12 men – six Indians, five Ukrainians and one from Syria – told us they had not been paid since March, had no provisions or fuel, and had been abandoned by the ship's owners. In addition, the stress of being in a war zone, having their passports confiscated and not knowing when they would be repatriated was taking its toll on the seafarers.

We turned to our local union, the Aden Container Terminal Labor Committee (ACTLC), which took up the crew's case and worked for their safe repatriation. The ITF assisted with hotel costs and pocket money for the crew, and arranged their flights home

on humanitarian grounds.

Repatriation was difficult because the country's borders had been closed due to a cholera outbreak. The ACTLC arranged a two-stage emergency repatriation: one group of seafarers crossed Yemen to an airport from where they were able to fly to Kenya and then Odessa and Mumbai, while the second group went by sea to Djibouti, from where they flew back to India and Ukraine.

Everyone – the union and the Aden port and maritime authorities – worked amazingly hard with us to overcome the difficulties. ■

**'We are very grateful to you for returning our son, husband, father ...  
Thank you, you have been our salvation.'**

Wife of repatriated Ukrainian seafarer

# Stories from the frontline



## Qaaswa crew helped home

**When we heard from Malta that there was a ship outside its national waters whose crew felt threatened by the vessel owner, the ITF contact there, Paul Falzon, immediately offered assistance. Eventually the crew responded on 13 May and he helped them daily from then on.**

After passing Malta, the tanker Qaaswa was kept 100 miles out at sea, after which it was ordered to anchor just off the coast of Sfax in Tunisia. The 13 Indian and two Pakistani seafarers reported that Alco Shipping Services had not paid their wages for over four months, had refused to give them cash, and had left them without fresh water and provisions for long periods of time. This meant the men could not contact their families.

The company had also failed to carry out repairs and was trying to force the crew to sail the unfit vessel to Egypt.

Mr Falzon contacted the ITF Arab World coordinator and and ITF union the Federation Nationale des Transports/UGTT in Tunisia. Our joint efforts meant the vessel was allowed to remain in Tunisian waters and the Tunisian authorities' ordered a port state control visit to the tanker on 25 May. The ITF also urged the Indian and Pakistani embassies in Tunisia to act on the crew's behalf.

Happily, the men were paid and finally able to go home in July, confident that the ITF will continue to pursue the one outstanding salary payment for May and all the crew's salaries for June.

Update: the company brought a new crew aboard the Qaaswa. The Sri Lankan and Egyptian seafarers are already owed three months' wages and seven Sri Lankan and Ethiopian seafarers are claiming repatriation and payment of wages. The ITF has approached the flag state – the UAE FTA – to assist in negotiating with the owner. ■



## Lean Fong Tsai crew first to benefit from ITF fishing vessel inspection

**The Filipino crew of the Lean Fong Tsai was among the first to be helped under the ITF's new policy to extend its maritime inspections to fishing vessels. Inspector Joselito Pedaria in Cebu, Philippines describes how successful ITF co-ordination won the men their owed wages.**

On 18 August 2017 Seafarerhelp received a call for assistance from the crew. The Lean Fong Tsai was in Kenyan waters, with an expired Bolivian registration and uncertain vessel identification details.

The 11 crew members complained of unsanitary drinking water provisions and owed wages.

The case was forwarded to me for action and consequently, the participation of ITF inspector Betty Mutugi in Mombasa, Kenya was sought. She immediately visited the vessel and brought the crew ashore for fresh meals and other support at the Mission to Seafarers.

The Philippine manning agent refused Ms Mutugi's demand for payment of the crew's owed wages. The vessel was detained by the local authorities for deficiencies, including the wages issue.

The manning agent later proposed repatriation for the crew and payment of their outstanding wages in the Philippines. On 30 August, the men arrived in Manila, where they were supported by local inspector Rodrigo Aguinaldo and provided with comfortable board and lodgings at the AMOSUP Sailors' Home.

In the meantime, Mr Aguinaldo pursued the wages claim and successfully won the USD25,312 owed to the crew. The men received their money on 2 September. ■



## Ship is refuge for Syrian seafarers

**When ITF inspector Mario Sarac inspected a livestock carrier berthed in Croatia to load bulls for Turkey, he was in for a surprise**

The Sarah had berthed at the port of Rasa on 13 September 2017. During my inspection, I talked to several of the 21 crew members and was amazed to discover that several had sailed continuously on board the Sarah for years. This was through choice, as the ship had become a refuge from the war in their home country, Syria. Captain Nasser Konyali told me 'Unfortunately, the time has come when people do not need protection on board but in their homes'.

Under the provisions of the MLC 2006, this isn't allowed. But in rare situations like this one, we face an unanswerable dilemma. In this case, insisting on the repatriation of the crew after a year of service

would mean that by signing off they would be sent directly to fight in the war.

On board the Sarah I found a well-trained, satisfied crew who were being treated well, paid regularly and fed properly. The documentation was all in good order. And the crew were taking good care of their live cargo of 2,300 bulls.

I came away from the inspection satisfied with what I had witnessed but with a great deal of food for thought.

Read more about livestock carriers on pg 27. ■

## Injury claim co-operation supports paraplegic seafarer

**Ulf Christiansen, ITF inspector in Hamburg, Germany, reports how the support given to a severely injured Filipino seafarer is helping him adapt to his changed circumstances**

Roldan Tamayo Cruz, the Filipino messman on the Flottbek, set off with the cook for an evening at the seafarers' mission in Hamburg on 18 October 2016.

To reach the club they had to cross a railway track and neither man heard the approaching train. The cook managed to jump away in time but Roldan was hit and carried 50 metres before the driver could stop the train.

Roldan was seriously injured and in a coma for several weeks. His wife flew to Hamburg and stayed in a nearby hotel. When he came out of the coma, Roldan was unable to speak. He was transferred to the paraplegic department of a specialist hospital in Hamburg, and eventually his voice returned. Throughout his hospital stay, Roldan received sick pay, in accordance with the ship's ITF agreement.

In January 2017 Roldan's wife rang me for help. I visited the couple regularly and contacted everyone involved in the case.

I was impressed by the support shown by the German owner of the Flottbek, RHL (Reederei Hamburger Lloyd); the seamen's mission, which provided cash and telephone cards; and the medical team's excellent treatment and care. The vessel's P&I club paid all the couple's hospital and hotel bills, and agreed without quibble to pay USD125,000 compensation, sparing Roldan the additional trauma of a drawn-out legal battle.

The couple returned to the Philippines in May 2017. They have used the compensation to adapt their home, as Roldan is now paraplegic and a wheelchair-user, requiring four to five hours' treatment every day.

The co-operation and support shown in this case exemplifies how seafarer injury claims should always work. ■



## ITF rescues young seafarers in Kenya

The ITF in Kenya rescued three young seafarers from what seemed to be a rogue local representative of a Chinese shipping company, reports ITF inspector Betty Makena Mutugi

Around 30 young men were contacted in Mombasa by a local agent, Mr Kiogora, who met them several times between January and September 2017. This unregistered agent, as we later discovered, had offered them financial and logistical support for maritime training, medical assessments and the processing of travel documents to Peru. The seafarers were to pay back this money through deductions from the promised USD 170 monthly salary.

The seafarers were shown a photo of the man they would meet in Peru. They expressed concern over the lack of proper contracts and one told me, 'He was not answering our questions satisfactorily, although we were desperate for the jobs'.

In fact, the three were arrested at Jomo Kenyatta International Airport on 6 October 2017, together with the agent's taxi driver. As soon as I found out, I contacted the Seafarers Union of Kenya and the ITF's Africa deputy regional secretary, Anna Karume, to find ways to assist them.

We swiftly intervened to get the three seafarers released, with the help of the ministry of labour and Nancy Karigitu, principal secretary for Kenya's maritime and shipping affairs department.

Ms Karume took the men back to the ITF's regional office in Nairobi, where they were given meals, helped to reclaim their checked-in luggage from the airport and assisted with transport back to Mombasa.

It is terrible how these unregistered agents continue to target young people with promises of better lives abroad. I hope this case serves as a warning to other young seafarers. ■

## Liberty Prrudencia crew hail ITF



**'This all happens due to the strong and early steps and action taken...We seafarers feel safe and secure, their strong support acts like a backbone for us.'**

*Liberty Prrudencia crew thank ITF and others*

It is difficult to resolve seafarers' cases in China because legal costs are high and there are no ITF unions or inspectors there. Instead, explains ITF inspector Jason Lam, as in the case of the Liberty Prrudencia, assistance is provided from Hong Kong by the ITF and its unions

The ITF received a complaint from the 19 Indian crew members on the Liberty Prrudencia on 23 January 2017 that they had not been paid since 25 November 2016.

They had been stranded at the port of Zhoushan, China for between eight and 13 months. Their outstanding wages at the end of March 2017 totalled USD182,730.

Louis Gomes, ITF inspector in Mumbai, India and I initiated negotiations with the owner, and won a month's wages

on 8 March, totalling USD34,287. Three seafarers were repatriated on 25 March.

The rest of the crew refused to leave until they were paid in full. On 5 May the ITF and two of its Hong Kong unions – the Merchant Navy Officers' Guild and the Amalgamated Union of Seafarers – began legal action on the seafarers' behalf in Hong Kong's High Court. On 29 June, the owner reached a settlement agreement. The 16 men were paid USD264,600 in wages and were finally repatriated to India on 23 July. ■

## Home still far off for Malaviya Seven crew

Ken Fleming, ITF co-ordinator Great Britain and Ireland, describes the ordeal endured by the Malaviya Seven crew and their families as 'a scandal that shames the maritime industry'

The crew of the Malaviya Seven have been stranded in Aberdeen, Scotland for over a year, with no wages and the agony of knowing their families at home are suffering financial hardship.

A city sheriff ruled on 10 August 2017 that the crew had the right to sell the vessel to recoup their owed wages – agreed at USD867,000. But he requested a report on the ship's value first – a decision that delayed the men's return home. In our experience, this was unprecedented because the claim of the crew takes priority.

A routine ITF inspection in June 2016 revealed that 15 of the mainly Indian seafarers on the Malaviya Seven had gone unpaid for four months. When our efforts to recover their owed wages in full were unsuccessful, in March 2017, the ITF arrested the ship on the crew's behalf. Throughout their ordeal, the ITF also visited and supported the crew with basic needs such as food and water.

At the time of Seafarers' Bulletin going to press the vessel was in the process of being sold. ■

**The 12-strong crew of the Malaviya Twenty, detained in Great Yarmouth, England since June 2016, finally returned home in February 2017 – thanks to the ITF's efforts and the support of the local community, the port chaplain and others. The ITF won USD689,679 for the 33 seafarers who were owed wages since October 2015.**

# Stranded Newlead Granadino crew reach home

ITF inspector Barbara Shipley describes how union and community support helped the Newlead Granadino crew endure intolerable conditions and reach home after being stranded for eight months



**'This is another example of the brilliant, practical work carried out by the federation's inspectors to help seafarers in distress.'**

Dave Heindel, ITF seafarers' section chair and secretary treasurer of the Seafarers' International Union

The tanker experienced major engine problems on 20 September 2016 and was detained in Baltimore Harbour by the US Coast Guard for repairs.

The crew were running out of food and water and were cold because the boiler was broken throughout the winter months. Unable to go ashore because of visa limitations and lacking proper documentation, they felt deserted and desperate.

The ITF led the repatriation efforts, and the seafarers also received help from the Baltimore International Seafarers' Center,

Seaman's International Union and the local community. InterOrient, their manning agent, paid for provisions until the bank hired Raven Ship Management (RSM). RSM provided provisions, began paying the men regularly, and repatriated 12 of the 18 seafarers in November 2016 and January 2017. The ITF ensured that the men were paid in full and given a small bonus. The rest of the crew went home on May 31, 2017.

The crew was amazingly positive throughout their unbelievable ordeal. The generosity of the people of Baltimore was overwhelming and I'm very thankful for everyone who helped out. ■

## 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. Contact your union or the ITF via [www.itfseafarers](http://www.itfseafarers) as soon as possible to protect your wages and employment.

## THINK YOU'VE BEEN ABANDONED?

Is your shipowner:

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

If the answer is yes to any of these, you are considered 'abandoned' according to the MLC, 2006. Contact the abandonment insurance provider (look on your ship's noticeboard) or raise the alarm with the flag state, port control state officer or an ITF inspector. Act fast before the situation escalates. Read more on page 16.



## Union wins Indian government action on illegal seafarer recruitment

The terrible fate of the crew of the *Al Mehra* and *Capricorn Star* tragically highlights the human cost of unlicensed crewing agents, who continue to charge Indian seafarers for jobs on foreign flag ships, despite India's ratification of the MLC, 2006. Union efforts to end this illegal practice have led to government action, reports Manoj Yadav, general secretary of the Forward Seamen's Union of India



On 4 February 2017, six Indian seafarers died on board the *Al Mehra* and the *Capricorn Star* when they sank due to a lack of safety and poor weather near Al Hamriya, Sharjah in the United Arab Emirates.

The men had been recruited by non-registered agents and to date none of their families have received either their relative's salary or compensation for their loss. We're still trying to track down and hold to account three of the non-registered agents involved in this and other cases.

This is the very worst outcome of such illegal practices. But every day illegal recruitment agencies are charging Indian seafarers for providing jobs. 'This give money - take job cycle is not limited to India, it also occurs in other countries around the world.

The FSUI has lodged many complaints with the authorities and have taken the initiative in trying to stop this corruption.

In response to our concerns, the government used press advertisements, notices at maritime training institutes and direct emails to registered seafarers to advise that the recruitment of seafarers should only be carried out by recruitment and placement services (RPS) licensed by the directorate general of shipping (DGS).

FSUI was among those who reported that illegal recruitment was continuing, and that more needed to be done to stop the practice. The draft Merchant Shipping Bill 2016 contains a provision to allow government prosecution of unlicensed RPSs but we could not allow the situation to continue until the bill is passed. The government accepted this and in August 2017 it started an e-migration system for Indian seafarers.

This means Indian seafarers can only be recruited by Indian flag ship owners for Indian flag ships, government-registered RPSs or, in the case of masters and chief engineers, directly by some foreign ship owners on their foreign flag ship.

The ship owner, RPS, master or chief engineer as appropriate is responsible for logging information into the government e-migration database before the vessel's departure date.

The information is then transmitted online to the Bureau of Immigration so that the seafarer arriving at the immigration check point can be passed through. Any seafarer engaged through a non-registered RPS will not be allowed to leave the country.

This will help to stop fly-by-night operators exploiting seafarers. ■



## Croatian union win means free one-day visas for visiting seafarers

Third country seafarers are no longer required to pay for a visa for shore leave in Croatia, thanks to the Seafarers' Union of Croatia. The SUC's Romano Peric, also ITF co-ordinator in Croatia, explains

Croatia is a popular destination for cruise ships, which employ around 300,000 seafarers of 118 nationalities each year. These third country seafarers were put off going ashore during port stays in Croatia because of the USD25 fee for shore leave.

We decided to act, in co-operation with our members of parliament. We pointed out that there had never been an incident of a seafarer breaching the visa requirements. And we reminded the government that Croatia was one of the first signatories of the MLC 2006, which promotes seafarers' trips ashore as being positive to their health and welfare.

We therefore welcomed the announcement at the end of 2016 that the visa requirement would be dropped. Imagine our dismay when, in March 2017, the fee was instead simply reduced, to USD7.

The resulting industry-wide outcry led to a re-confirmation of the original announcement, and the new regulations came into effect on 18 April 2017. Seafarers are still subject to checks, and the visas are valid for 90 days.

So, if your ship is calling at a Croatian port – come ashore! ■

## Seafarers and families supported by Ukraine union

**Oleg Grygoriuk, first vice chair of the Marine Transport Workers' Trade Union of Ukraine (MTWTU), describes the events organised for seafarers and their families during 2017, particularly to celebrate the union's 25th anniversary.**



We always prioritise caring for our seafarers and their relatives, and extra opportunities provided by our anniversary included:

- 11 New Year matinees for 5,500 children of seafarers.
- Gifts for 400 children at two festivals to mark World Children's Day on 1 June and the start of the school year on 30 September, which we run with the Welfare Fund of Maritime Transport (Mortrans).
- Festive events for 730 seafarers and their families to jointly mark the Day of the Seafarer and Ukraine's Day of the Sea and River Fleet Workers.
- International Women's Day celebrations – a popular family psychology expert met 67 seafarers' wives to discuss topics such as family budgets and relationships.
- A bowling tournament.

We were very proud when our team of 11 seafarers returned home from the Sports Competitions of Transport Workers in Bulgaria with two gold medals, for swimming and athletics.



Nearly 450 seafarers participated in six information seminars. They heard from the union and invited experts about subjects such as taxation and pensions, MLC amendments and Ukraine's maritime industry, and discussed health matters. In September some 500 Ukrainian seafarers, cadets and students participated in the ITF/MTWTU Union Week 2.0 in Odessa, with seven ITF inspectors sharing their knowledge of labour issues, including collective bargaining.

Valeriy Honar, chief mate of the tanker fleet, told me: "I've learnt a lot of new things at the seminar, in particular, concerning the calculation of remuneration for work done. I enjoyed the presentation... and communication with my colleagues and ITF and MTWTU representatives."

Most importantly, during the first half of 2017, we managed to fully satisfy 1,113 seafarers' applications for financial assistance. ■

# Abandoned seafarers: victims of modern slavery?

**ITF maritime project and campaigns leader Katie Higginbottom considers whether abandoned seafarers are in fact victims of modern slavery**

**Say to a shipowner that their failure to pay wages and provide proper provisions for a vessel is tantamount to modern slavery and they will howl in indignation.**

In a recent exchange, a certain shipowner responsible for abandoning several crews stated 'we strongly refute the word "slavery" which has been abolished in the 21st century and modern age that we live in today'.

Not everyone would agree. The International Labour Organisation (ILO) estimates that 40.3 million people were in modern slavery at any given time in 2016. Its 11 indicators of slavery are: abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime.

It's worth considering how many of these indicators feature in the vast majority of cases where seafarers have been abandoned.

Abandoned seafarers are usually in a foreign port and far from their families. They want to believe that the company

cares about their predicament because the alternative is to rely on the goodwill of the authorities, local unions or charities for support. As owners are well aware, as soon as the employment relationship breaks down seafarers are left vulnerable.

Seafarers often say they don't want to complain yet because the owner has promised to transfer the money next week, the week after, then the week after... Deception is either due to the owner's misplaced optimism or a cynical approach to running an operation which treats the payment of wages as optional.

Movement in ports can be very restricted and, without money, the cost of moving around is prohibitive. Abandoned vessels are often at anchorage, a brutal form of isolation. And the stress of being abandoned puts enormous strain on relations between crew members and can lead to a sense of mental and physical isolation.

Though rare, there are also cases where seafarers have been deceived into joining vessels that are involved in criminal activity and experience intimidation and threats of physical violence.

In the not so distant past, identity documents have been withheld and 'debt bondage' is

akin to the illegal practices of some crewing agents. In spite of the clear prohibition by the Maritime Labour Convention, 2006, there are plenty of cases where seafarers have paid significant sums to secure a position on board, only to find they don't get paid. They may have taken a loan to pay for the job, have a family to support and no wages to maintain repayments. The debts may be to third parties but the result is the same.

Abandonment is defined as:

- where a shipowner fails to cover the costs of repatriation, or
- fails to provide maintenance and support, or
- severs ties with the seafarer, including failure to pay wages for two months or more.

In many cases the shipowner has not cut all ties and disappeared but is usually lurking in the wings trying to convince the crew to carry on working, or wait until a new order has been secured. In this way shipowners transfer the risks of a chaotic business on to the shoulders of their employees.

Work without payment is slavery and should not be tolerated. This industry needs to take a good hard look at itself, if it wants to escape association with modern slavery. ■

# Abandoned for two years



**Ye Linn Htun, 3rd engineer on the Bramco 1, recounts the ordeal of the crew, abandoned and treated as collateral damage during an on-going commercial dispute between the owner in Bahrain and the Cosco shipyard in Guangzhou, China**

When we joined the vessel, through the SRPS (Seafarers Recruitment and Placement Service) licence holder company, the crew manager told us it was undergoing repairs in China and would sail within two months.

We boarded the ship in the Cosco shipyard on 16 July 2015. A superintendent was already on board and the crew consisted of eight Myanmar and four Bangladeshi seafarers. When we did not get our salary for two months, we asked the superintendent for our wages. He promised to ask the company. After a few days, the shipyard stopped the vessel repairs because the owner had not paid for the work. The superintendent left the ship. We sent a lot of emails and made phone calls to the company. They replied that they would send our salaries soon and told us to be patient.

Life on board got worse because the provision of supplies got later and later and the quality of our food worsened. We had to drink unclean water from the ship's water tanks. We asked the company to supply proper food and water but they didn't reply.

At times it was very hot but we had to close

our cabin door and windows because the ship was alongside the floating dock, where sand blasting was carried out, so a lot of dust and noise came into our cabins. We had no facilities like a fan or air conditioner.

The shipyard did not allow us outside because the ship agent said the owner did not approve him applying for a crew shore pass. We told the company we suffered a lot of physical illness and mental depression but they did nothing for us.

We don't know how to describe our suffering by words. It made a huge impact to us and our families. Our families depend on our salaries. Since we did not get our salaries for about two years, they had to struggle to survive. Sometimes we lost contact with our families because we didn't have money to buy internet cards. These times, they worried too much for our situation and wanted us to come back home no matter what. We couldn't get repatriation, however we tried, even when our family members died.

Eventually, in 2016, I contacted the Myanmar Embassy in China to help us. They tried to contact the owner and manning

company but got no reply. I contacted the Bahrain authority too. He promised that he would tell the owner to solve our problems but nothing changed.

Finally, with the Myanmar crew's agreement, I found a local maritime law firm to help us. The lawyers came to the shipyard to meet us and hear about our situation, and represented us in court. The judge said we could go back home if we wanted to. So I came back home in October 2016 and contacted IFOMS (Independent Federation of Myanmar Seafarers) and asked them to help us.

This experience affected our attitude. All of us are afraid to face this kind of situation again. Some of us don't want to work as seafarers any more and we decided to be very cautious when joining the next vessel.

Our advice to all seafarers: take caution of the manning company, information about the vessel owner, the vessel's situation and its background history. Be a member of a union that belongs to ITF and seek help whenever you have such problems on board. ■



## ITF inspector Jason Lam comments:

**This is a very complex case. Since 2013, we've had crews on Bramco 1 complaining about delayed wages, then getting paid with the ITF's support, and then being replaced with a new crew – and the same situation arising with the new crew.**

With the current case, I first received a complaint from the master in November 2015. This time, the owner could not pay the outstanding wages and abandoned the vessel. After unsuccessful negotiations with him, we contacted the Bahrain Embassy in China and the Bahrain Maritime Authority to apply more pressure. We kept in touch with the master throughout and at the end of 2016, the crew accepted our recommendation to take legal advice locally.

When I first visited the vessel in March 2017, I was appalled by the living conditions. There were eight crew on board, three Bangladeshi and five Myanmar, and all had completed their contract on or before July 2016. They had been on board for between 16 and 22 months but had only received one month's wages.

We provided interim support to the families, and provisions and medical supplies to the crew, through collaboration with the International Chamber of Shipping, the International Seafarers Welfare and Assistance Network, the International Maritime Health Association and the Sailors' Society.

The ITF publicly deplored the inaction of the authorities and the ship owner to end the seafarers' ordeal, describing the situation as an 'ongoing sore that has festered for far too long'. Despite high-level diplomatic interventions, the competent authorities of flag and port state seemed unable or unwilling to intervene. We arrested the vessel on behalf of the crew but don't know how long the legal process will take.

In June 2017, three seafarers signed off – the master had received half his owed wages but the other two crew members received nothing. In August the new master received some cash and paid the five remaining crew part their owed wages. At the end of August, one Bangladeshi seafarer signed off, leaving just the Bangladeshi master and three Myanmar crew. They were still on board when Seafarers' Bulletin went to press. ■

# Insurance against abandonment

**Financial security to protect seafarers who have been abandoned is compulsory for all vessels flying a flag that has ratified MLC, 2006 or trading in ports where the MLC applies**

**The certificate of financial security must be conspicuously displayed on board. It will be called ‘Certificate of Insurance or Other Financial Security in Respect of Seafarer Repatriation Costs and Liabilities as Required under Regulation 2.5.2, Standard A2.5.2 of the Maritime Labour Convention 2006 as Amended.’**

You can check that the certification is still valid by looking up your vessel on the website of the P&I club or insurer named on the certificate. If you think you are at risk of abandonment, haven't been paid for two months or more and want to be repatriated, you should contact the insurance provider directly or ask the ITF to apply on your behalf.

Since the insurance requirement has been in force (18 January 2017), the ITF has handled over 40 cases of abandonment and had contact with some 12 different P&I clubs. We are actively monitoring the effectiveness of this mechanism. There is clearly room for improvement but most P&I clubs, particularly those of the International Group of P&I (which cover over 80 percent

of global shipping), are recognizing their new responsibilities. Where this has not always resulted in the clubs paying out, in many cases their intervention has prompted the owner to find funds for wages after all.

Manning agents and seafarers should check that a vessel has valid abandonment insurance before signing on. And think twice before signing a contract if the certification cannot be confirmed.

Internationally agreed regulation takes decades to develop and requires constant vigilance to enforce. Seafarers and all those with an interest in promoting and protecting the rights of seafarers must make it as difficult as possible for substandard shipowners to stay in business. ■

**Manning agents and seafarers should check that a vessel has valid abandonment insurance before signing on.**

# Beware your SEA expiry date

**Seafarers need to be aware of the possible consequences if they stay on board after their seafarer's employment agreement (SEA) expires, warns Christian Roos, ITF inspector Belgium**

**The MLC, 2006 requires that when a contract is made for a definite period, the SEA must contain the contract expiry date. This date is extremely important.**

Most contracts are made for a definite period, with a month's leeway for operational convenience to cover the time between the contract end and signing-off – for example, if the contract expires when the vessel is far at sea.

If your vessel is covered by an ITF collective agreement, a variation of the following clause will apply: A seafarer shall be engaged for 9 (nine) months and such period may be extended or reduced by 1 month for operational convenience. The employment shall be automatically terminated upon the terms of this Agreement at the first arrival of the ship in port after expiration of that period, unless the company operates a permanent employment system.

So, if a seafarer signs on 1 January for 9 months +/- 1, the period of engagement will be completed on 30 September. If the first port of call is on 8 October, the seafarer should be signed off, because the SEA is automatically terminated once the vessel is in that first port. The seafarer can stay on board until 31 October at the latest.

It is the responsibility of the shipowner to ensure that appropriate visas, travel documents and crew replacements are arranged ahead of crew sign off. Any claim that transit visas cannot be arranged due to an expired or terminated SEA are not accurate. Seafarers should not be forced to sign extensions purely because the employer has failed or refused to make arrangements for repatriation.

But beware: the SEA can also act as a kind of visa, allowing a seafarer to live and work on board. If the SEA is terminated or expired, the seafarer may be in breach of immigration and labour laws of the port of call, as there is no valid living and working permit. And an insurance company might not accept a claim for injury or illness compensation from a seafarer whose SEA has expired and they are still on board.

We don't encourage SEA extensions but an extension of contract is possible – once only. The extension should not bring the total period of service on board beyond 11 months, as that is the maximum continuous period that a seafarer should serve. (This takes into account the concept of paid annual leave – that leave is to be taken annually so the maximum period for service on board a ship without leave would be 11 months. This is supported by the International Labour Organization standards department.)

The extension needs to be attached to the original SEA, and it needs to be agreed and signed before the end of the initial SEA – using the example above, before 30 September.

If your SEA is expired and your employer is refusing to arrange repatriation, claims that they cannot arrange a transit visa for you, or insists that you extend your SEA beyond the maximum 11 months, contact the local ITF inspector.

Find inspector details in the pullout section of Seafarers' Bulletin or via the ITF seafarers' app. ■

## Introducing ITF's new inspectors

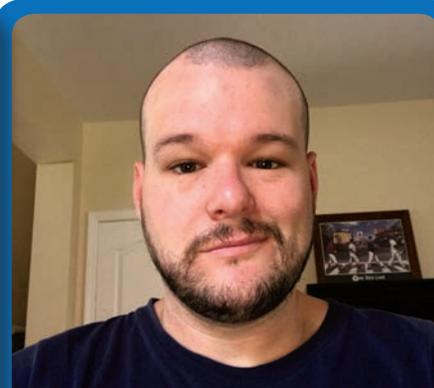
The ITF team of 140 inspectors and contacts worldwide play a unique and crucial role for seafarers. They visit vessels to police existing agreements, check and report on working conditions and help crews secure their rights. As seen in 'Stories from the frontline', this often involves winning owed wages and helping abandoned crews get home.

Inspectors are also involved in campaigns supporting ITF unions to recruit new members and to assist existing members. In 2017, following the entry into force of the ILO Work in fishing convention (C188) they began to inspect fishing vessels to promote improved conditions on board.

### Meet the ITF's five newest recruits:



**Hyeokjin Moon (Incheon, Korea)** was a navigational officer in Hanjin shipping for five years, and also worked in the maritime and fisheries sector of the Federation of Korean Seafarers' Unions. With his experience and knowledge, he is ready to become a competent inspector.



**Corey Connor (Charleston, United States)** has been in the US Coast Guard for nine years, doing Port State Control for the last seven. He looks forward to continuing working and helping seafarers as an ITF inspector.



**Junya Ishino (Nagoya, Japan)** was born into a family of seafarers and since 2012 has also worked in the JSU. It was this union work that inspired him to become an inspector.



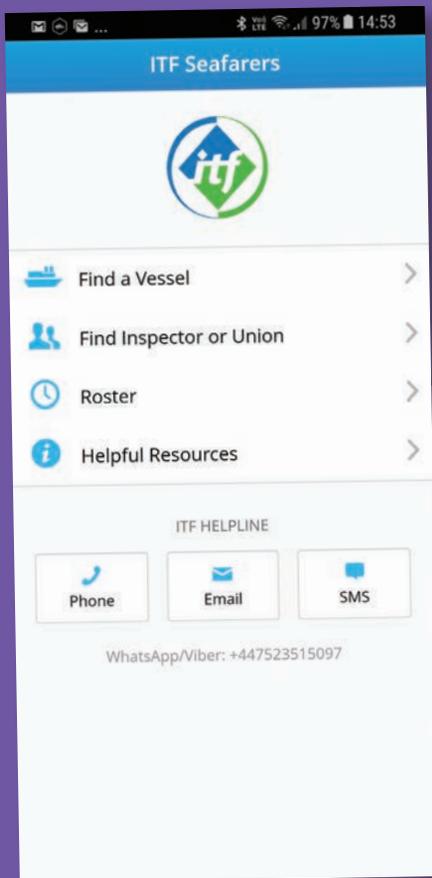
**Peter Hansen (Copenhagen, Denmark)** has been sailing since he was 15 years old, as an ordinary seaman, able bodied seaman, first officer and master, and was also a bus driver for one year. He has worked for the Union for Masters and Officers for 12 years and has been a superintendent for eight years.



**Rino Huijismans (Antwerp, Belgium)** started as an inspector in May 2016. He was a docker for 25 years in the port of Antwerp. He is very active in his union, BTB, and has been a BTB executive board member for over 23 years.

## Your eight-page pullout guide

# YOUR ITF GUIDE TO GETTING HELP



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

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

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

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

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

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



Available on



### How to contact the ITF

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

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

Helpline +44 2079409280  
SMS +44 7984356573  
WhatsApp/Viber +44 7523515097  
Facebook [www.facebook.com/itfseafarerssupport](http://www.facebook.com/itfseafarerssupport)  
Email [seafsupport@itf.org.uk](mailto:seafsupport@itf.org.uk)

### Before you call

Have the relevant information ready using the following checklist:

#### About you

- Name
- Position on board
- Nationality
- Contact details

#### About the ship

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

#### About the problem

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

### Seafarers' centres

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

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

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

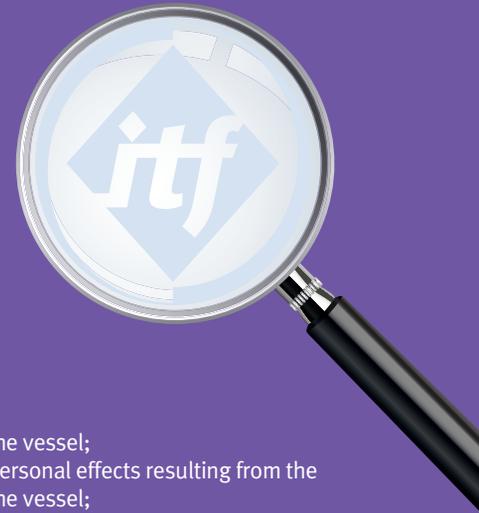
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# Getting hired Crewing agents

The Maritime Labour Convention, 2006 says that private crewing agencies must be regulated. It prohibits: the charging of fees to seafarers for finding positions on board; the making of illegal deductions from wages; and the practice of blacklisting individuals. Shipowners must make sure the crewing agents they use meet these standards.

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

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



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

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

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

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## Helping seafarers around the world



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# Standing up for your rights

## Read this first

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

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

Contact the local representative of the ITF for guidance. You will find contact email addresses and phone numbers in the centre of this bulletin. You should also seek local legal advice before you take any action.

In some countries, the law actually works against you and your fellow crew members if

you take strike action, and in such a case, the local ITF union representatives will explain this to you.

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

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

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

## Maritime accidents

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

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

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

# It's a scam!

**Just received an unsolicited job offer? Probably on a cruise ship, all expenses paid, great wages? Then get ready to press Delete and warn your friends, says ITF press and editorial manager Sam Dawson**

**If you've received a job offer out of the blue then think before you do anything. Did it arrive by email? Was it from a well-known shipping or cruise company? Are the wages more than you've ever dreamed of? Then it's a scam.**

Recruitment frauds targeting seafarers have snowballed. The most common scams currently target people wanting to work in the cruise industry. The fraudsters set up their own website, typically using a genuine company name and logo, then spread the word by direct emails, adverts and free listings.

Once you accept the fake job offer they'll ask for a 'one-off' fee. Maybe towards the cost of transport to the ship, a visa fee, an administration cost. Pay anything and they've got you. They'll keep coming back for more, promising this is the last time – and warning that if you don't make one final contribution

you'll lose what you've already paid. They won't stop until they've bled you dry.

Even if you start to take up an offer but refuse to pay that first fee, they'll probably have asked for your name, date of birth, home address and a scan of your passport. They can use these for identity theft. If you've provided your bank account details, notify your bank immediately, or your account will be emptied.

Anything guaranteeing a job on board but requiring a fee is automatically a scam, as the Maritime Labour Convention, 2006 states that seafarers should not have to pay any agency fees to obtain employment. This goes for all positions.

Scamming is low risk and low cost. The fraudsters' home countries don't prosecute (they're never really based in countries like the UK, USA and Australia).

## **What can you do?**

Walk away. Don't hand over your personal details. If you've paid anything, stop now.

Check out any job offer. If it came by email and was unsolicited, delete it and warn your friends. Be equally careful of job offers on what pretend to be shipping or recruitment company websites and of fake jobs on real websites, especially those that have free-to-post job listings and adverts.

If you're looking for work, visit the websites of real cruise lines and big name shipping companies. Look for warnings on the site, and contact the real headquarters if you're in any doubt.

Check out the latest scams at [www.itfseafarers.org/maritime\\_news.cfm](http://www.itfseafarers.org/maritime_news.cfm).

## Scams: some common signs

- **Any unsolicited job offer**
- **Any request for money at any time for anything**
- **Any request for bank details**
- **Any request to provide scans of personal documents such as a passport or qualifications**
- **A mobile telephone number, especially if it's the main contact for a supposed office**
- **Email addresses from free providers such as gmail, globomail, Yahoo**
- **Email addresses where the country domain differs from the office's supposed location**
- **Misspelt and ungrammatical messages**

# Standing up for Singapore's seafarers

As Singapore looks forward to welcoming the first ITF Congress in Southeast Asia for 20 years, the Seafarers' Bulletin asks SMOU general secretary Mary Liew about her trade union journey

## What brought you into the trade union movement?

I graduated from the University of Wales with BSC (Hons) in business administration.

I joined SMOU's finance department in the 1980s. I was deeply impacted by the dedication to the cause of SMOU leaders, and by the presumed suicide at sea of a SMOU member shortly after I had done my best to counsel him over his family problems. I've always wondered if I could have done more for him.

Throughout my working life, my guiding principle is: stay true to your heart, your cause and your mission. Every action, no matter how small, can make a big difference.

## What's it like for women in Singapore's trade unions?

My case shows that women here have equal opportunities based on meritocracy. From humble beginnings, it has taken years of hard work and relentless dedication, but there have always been chances to prove myself, with credit given where due.

I grew up in SMOU, which represents workers in a male-dominated industry. If there was any disadvantage, I would not be where I am today. I became SMOU's first female executive secretary in 1999 and was elected the first female general secretary in 2013.

In 2015, the Singapore National Trades Union Congress (NTUC) elected me as only its second female president in 56 years. Three other leading women trade unionists sit in the current NTUC central committee, and many female former trade unionists hold senior positions in Singapore's government, including Singapore's newly-elected first woman president, Madam Halimah Yacob.

## What are your proudest achievements?

At SMOU, the big growth in membership, from 8,000 in 1999 to 32,000 now; the USD22 million of unpaid wages we've helped seafarers claim since 1993; and the 2014 launch of the S\$4 million Wavelink Maritime Simulation Centre. This state-of-the-art training centre enables seafaring officers to upgrade their skills, and gives cadets a competitive edge during shipboard training. It is building a pool of qualified and competent local officers and engineers to be tomorrow's leaders.



With the NTUC, the three key thrusts of our Labour Movement 2019 'Care, Fair and Grow' – to better workers' lives, ensure they are treated fairly in all aspects of work, and grow with them in their career progression; and the social partner initiative to map out each industry sector to ensure that the workforce – in my union, seafarers – are ready for the challenges and opportunities of industry 4.0.

## Singapore has a new ITF office and is hosting Congress this year – how will this benefit workers and unions there?

As a centre of excellence for resources and governance, the new office will strengthen the ITF's impact on the lives of transport workers in the region.

Hosting Congress is a monumental privilege for Singapore. We will share our unique model of tripartism that has created a win-win-win situation for government, employers and workers, and provide a good platform for knowledge-sharing, especially about the new technology that is redefining the jobs and roles of our workers. ■



# Winning fair treatment for seafarers

Criminalisation of seafarers can arise from maritime accidents, pollution infringements or the discovery of contraband on board a vessel, with seafarers scapegoated for events in circumstances beyond their control and denied legal representation and interpretation services. Seafarers' Bulletin looks at one dreadful case and provides advice for what to do if you should find yourself in a similar situation.

“Criminalisation is a very serious problem for seafarers. They are too often detained and denied access to normal rules of fair play and justice with which to defend themselves against criminal charges. Seafarers have a right to undertake their work without fear of being treated unfairly, or, even worse, placed in detention without recourse to fair justice and representation.”

ITF maritime co-ordinator Jaqueline Smith

## Union members' response helps free imprisoned Bangladeshi seafarers

Kazi md Abu Sayed, assistant general secretary (youth representative), Bangladesh Merchant Marine Officers' Association (BMMOA), shares the shocking story of the Asteris crew in Nigeria

The Panama-flagged oil tanker Asteris was at anchorage waiting for repairs and had loaded its cargo at Cotonou, Benin, when four Bangladeshi third engineers joined the 18 crew already on board in March 2015. They were employed through the local agent of a Greek management company, Western Mediterranean Shipping, which had an agreement with owner Sea Crown Maritime.

They quickly discovered that the ship's safety equipment was out of order and there was no safety culture on board. The accommodation and the food were of a poor standard.

On 26 March the vessel sailed for a sea-trial to check machinery performance. As third engineer Rafiqul Islam headed to his cabin at 4am, the chief engineer told him the ship would stay within Cotonou's waters. When he awoke, he discovered that the ship had been arrested by the Nigerian navy over a lack of cargo documentation and the vessel was 100 nautical miles from the nearest land, Lagos in Nigeria.

The navy brought the vessel to anchorage in Lagos on 30 March and took 11 crew members into detention for questioning. After seven days, it returned them to the vessel and handed the matter to the Nigerian Economic and Financial Crimes Commission (EFCC).

The EFCC detained five crew members for investigation for around six weeks, before releasing the superintendent and allowing him to go home to Greece. On 10 June it charged nine of the Filipino and Bangladeshi crew – the captain, chief officer, chief engineer, third officer, two third engineers, two pump men and one oiler – and detained them on 16 June. The four charges against the men related to the ship's cargo certificates, yet the Bangladeshi crew hadn't even boarded when the fuel was loaded.

The Ghanaian and Beninois crew members, who worked year-round on the Asteris, were not charged.

The vessel was arrested in Lagos and from 18 June 2015 the five Filipino and four Bangladeshi seafarers were under trial in the Lagos federal court and held in prison. On 15 December that year they were convicted on the charge of smuggling the cargo of crude oil.

The nine were sentenced to five years in prison if they did not pay a fine of 20 million Naira (approximately USD100,000) each. The shipowner refused to pay the fines, even though he owed them months of salary, instead he abandoned them.

The prison was hot, overcrowded, violent and drug-ridden. The sanitary facilities were poor, there was no place to take a shower and the water supply was intermittent. The men received little water or food unless they paid bribes, and had no communication with their families.

The company promised to arrange bail, but didn't. Nor did it provide food or provisions, or the money to purchase them with. The men were constantly hungry, until Bangladeshi seafarers on visiting ships gave them money to buy food, kerosene for cooking and drinking water. Without this financial help, they wouldn't have survived.

Mr Islam told me: “Each court hearing raised then dashed our hopes, and caused us suffering and mental torture. Occasionally we were taken to court but the court didn't sit because the judge or a lawyer was absent. Sometimes we felt it would be better to commit suicide rather than this terrible suffering.

“At each hearing, our company-appointed Nigerian defence lawyer gave us hope

that we would be freed but he was lying to us about our bail and was in reality acting on behalf of the notorious ship owner. Whenever we pressured our company for our bail or food or our salary, it threatened us to keep silent.”

Meanwhile, 13 crew members remained stranded on the Asteris and asked the ITF for help. The ITF swiftly provided them with provisions through ISWAN (International Seafarers Welfare Assistance Network) and helped to repatriate them. When the BMMOA learned about the imprisoned Bangladeshi men, we immediately alerted the Bangladeshi maritime community and government, and the ITF in London. The ITF appointed a law firm in Lagos to help with their appeal.

My union started fundraising to pay the men's fines. The response from our members around the world was so generous that we raised the sum needed within three months. The seafarers were released from jail and repatriated to Bangladesh on 2 May 2016.

Since then, we've helped the men and their families with money and emotional support, and now all of them are back at sea in good health. But their appeal continues to this day. ■

**The fate of the Filipino seafarers**  
At the time of Seafarers' Bulletin going to print, the five Filipino seafarers were still being detained in Ikoyi prison in Nigeria, having had their motion for appeal denied in October 2017. ITF union Amosup in the Philippines, together with ISWAN and the Philippines Department for Foreign Affairs (DFA), are working together to help them, and the DFA has granted the seafarers legal assistance.

# What to do if you face criminal charges

When facing criminal charges or an investigation by local authorities, it is crucial that seafarers are treated fairly, regardless of the circumstances and the guilt or innocence of those involved. ITF legal assistant Jonathan Warring offers guidance if this happens to you

## 1. Know your rights

Seafarers operate in countries with varying legal systems and levels of respect for human rights. However, if you know some of your basic human rights, you can insist on them being observed.

The International Convention on Civil and Political Rights (ICCPR) details the rights that should be afforded to all people when arrested, detained and tried by any state.

The Joint IMO/ILO Guidelines on fair treatment of seafarers in the event of a maritime accident were drawn up with international human rights instruments, including ICCPR, in mind. This instrument provides specific advice to seafarers, shipowners, flag states and port states on the how to ensure seafarers are treated fairly.

## 2. Seek help

When facing an investigation, detention or charges, contact people and organisations who can assist you. It is important that they are aware of the situation. Some examples of people to contact are:

- *The shipowner or your employer*
- *Union officials*
- *Local ITF Inspector*
- *Local consul or embassy for the flag state*
- *Local consul or embassy for your home state*
- *Family*
- *Any local seafarers' mission or seafarers' centre*

## 3. Your conduct

If you are interviewed by police or local authorities in relation to an incident, you should be co-operative and provide truthful information. Remember that you have the right not to self-incriminate. This means that you do not have to give any information that may indicate that you are at fault or have committed an offence. To exercise this right, you should answer questions with 'no comment' or silence.

If the investigating authorities are using a language with which you are not familiar, they should provide an interpreter. If they do not, you should ask for one to be provided. It is your right to refuse to sign documents which have not been translated into a language you understand.

## 4. Legal representation

The right to legal representation is applied differently from state to state. If you are arrested by the police, or detained by state authorities, you should be allowed legal representation. You may be able to get free representation, or, in some circumstances, you could ask your employer to provide a lawyer. You should be allowed to speak to your lawyer on a confidential basis. ■

## More sources of information and advice

### The new ITF criminalisation toolkit

In September 2017, the ITF produced a toolkit to inform seafarers of their rights. It contains the Joint IMO/ILO Guidelines.

<https://goo.gl/mGTE3N> or  
[<http://www.itfseafarers.org/ITI-criminalisation.cfm>].

### Seafarers' Rights International

Find out more about your legal rights at:

<http://seafarersrights.org/seafarers-subjects/criminal-law/>

Watch the SRI film to help seafarers  
[https://www.youtube.com/watch?v=ZhgHD\\_MEBo0&feature=youtu.be](https://www.youtube.com/watch?v=ZhgHD_MEBo0&feature=youtu.be)

Launch the SRI app on your iOS or android device by visiting <http://m.seafarersrights.org/> and follow the instructions to save the app to your device  
<http://seafarersrights.org/how-to-use-the-sri-app/>

Read the extract of an SRI survey about the human rights of seafarers facing criminal investigations at:

<https://goo.gl/cYQrQx> <http://seafarersrights.org/seafarers-subjects/human-rights/extract-sri-survey-human-rights-of-seafarers-facing-criminal-investigations/>

### The ICCPR

<https://goo.gl/Lkg2j9>.

## Promoting health and wellbeing among Myanmar seafarers'

Lu Aung and Aung Kyaw Linn describe how IFOMS has responded to growing issues of poor health and wellbeing among Myanmar seafarers



Most Myanmar seafarers work on ships which have inadequate management, poor working and safety conditions and low salaries. They have to be very careful to avoid accidents, and they have no time to pay attention to their health and wellbeing, such as dealing with family concerns or stress. As a result, many seafarers return home from sea in poor health, which in turn causes family problems.

In response, IFOMS started a health and wellbeing programme with support from the ITF Seafarers' Trust in May 2016. Since then, IFOMS has helped to boost seafarers' ability to access health information at sea and increase early detection and treatment of diseases. It provides health leaflets,

distributes condoms and actively promotes the use of condoms. And it encourages seafarers to share health knowledge with their colleagues on board and with their wives.

IFOMS runs a series of free health and wellbeing seminars, where professional doctors share their knowledge with seafarers and their wives on a range of medical issues. We also train active seafarer members to be peer trainers, to spread health awareness among their co-workers. So far we've held seven training sessions, attracting 150 participants in total, and over 600 people have acquired health knowledge from our peer trainers.

The IFOMS office has its own professional doctor available

to give free advice on specific health problems to seafarers and their families and to hand out free condoms.

Already we've seen some good results from the programme. Seafarers are much more active in seeking and discussing health information and in taking better care of themselves. Over 100 people participated in each of our two HIV/awareness seminars.

We believe the training and materials have reached up to 2,500 people already. We've now been asked by wives of the seafarers to provide a similar programme tailored to them.

Our focus on peer trainers and their increased visibility on board has also raised the profile and standing of IFOMS among

seafarers in general. This has boosted our membership, proving that the health and wellbeing programme can also support our organising work.

Ko Thurein Aung became an IFOMS member after attending one of our seminars. He told us: "We had free of charge health care for my family members through IFOMS' health and wellbeing programme and it is a great chance for me. We also knew about IFOMS's effort and kindness for the Myanmar seafarers. In this way, I was interested in IFOMS, I learned about IFOMS, I believe in their performance and became a member of IFOMS. The health and wellbeing programme is a great support for Myanmar seafarers." ■



# Study helps union improve HIV prenatal and antenatal care

Dr Syed Asif Altaf, ITF global HIV/AIDS and wellbeing programme co-ordinator, and Maria Flores Jayme from AMOSUP (Associated Marine Officer and Seafarers Union of Philippines) report on how a study on the HIV vulnerability of pregnant wives of Filipino seafarers has led to improved prenatal and antenatal care



**HIV infection in the Philippines is prevalent and steadily increasing. Overseas Filipino workers and seafarers are identified as particularly at risk.**

It is difficult to discuss with someone how much she trusts her husband and believes in their marriage. But AMOSUP conducted a study in 2016 among pregnant wives of seafarers to determine their knowledge of HIV and the extent of their vulnerability to infection. A hundred women who sought antenatal consultations in AMOSUP hospitals responded.

The study found that most of the pregnant wives were young, with high educational attainment. They had access to, and used, means of contraception but their level of knowledge of HIV was low.

Their vulnerability to infection was significantly high, based on their partners' perceived – and self-reported – behaviour.

A 2013 ITF survey of Filipino seafarers had found that 78 percent of men believed a woman was safe as long as she remained faithful, taking no account of her husband's behaviour. It revealed that while away from home, 43 percent of Filipino seafarers had regular sexual partners and 23 percent had casual ones. Their rate of condom use was just 40 percent.

There are numerous programmes to make seafarers aware of how to prevent HIV and other sexually transmitted infections (STIs), but few for their wives. During prenatal checks, pregnant seafarers' wives are tested for

Hepatitis B, among other STIs, but are not encouraged to request HIV testing, even though the risk factors of acquiring both diseases are similar.

The AMOSUP study showed the need for:

- *Early detection for women, especially pregnant women, to prevent the transmission of HIV to their unborn child, and enable them to get the necessary treatment to lower their viral count and prevent complications.*
- *Education about HIV and STIs prevention during antenatal check-ups and hospital visits.*
- *Stronger infection controls in hospitals because seafarers' wives who do not know they are HIV positive may be attending antenatal care and giving birth.*

As a result, in 2017 AMOSUP improved its prenatal and antenatal programmes and policies, and introduced several new ones. These include:

- *Encouraging pregnant women attending antenatal classes in AMOSUP hospitals to be tested for HIV – this has seen a rise in testing*
- *More active campaigns on HIV, including in partnership with the Positibong Marino programmes, in AMOSUP hospital waiting areas*
- *Stronger collaboration between AMOSUP, the national health department and other non-government organisations*
- *Better follow up treatment for any pregnant seafarer's wife who tests positive*
- *Stricter implementation of infection control protocols during delivery* ■

**“My husband is responsible and knows what is good for him and for us. I know that my husband loves me, and if he does something that is unfaithful, I don't know if I will blame him directly... I don't want to ask him because it will seem like I am doubting him. Just trust and be faithful.”**

Study participant



## Cadet mentoring

Kimberly Karlshoej, consultant to the ITF Seafarers' Trust, takes a look at the importance of mentoring – a long tradition of learning the ropes at sea which appears to be on the wane – and introduces a new seafarers' mentoring project

For centuries, knowledge has been handed down from one generation of seafarers to the next. But the ITF Seafarers' Trust is increasingly hearing from cadets, seafarers, unions, and maritime education and training institutions that there are too few senior officers willing or prepared to take on a mentoring role with the junior officer and cadets.

Mentoring is the informal transfer of experience-based knowledge that can assist seafarers with their professional advancement. It is also a support mechanism that can help less experienced seafarers feel less socially isolated, improve their wellbeing and boost their language skills. As well as making life at sea more pleasant, mentoring has been shown to improve retention and safety on board, which can result in cost savings. So there are lots of good reasons to mentor.

Anyone can be a mentor, but the better mentors have some things in common:

- They utilise opportunities for informal learning using real time experiences.
- They act as role models, offering insights into how to succeed as a seafarer by sharing professional wisdom and constructive criticism.
- They understand that they do not need all the answers. Great mentors know when to reach out and help junior seafarers find answers for themselves by tapping into available resources.
- They create a safe environment for questions and encourage others to be involved in discussions.
- They understand the importance of relationships and the unique environment

of life at sea that affect seafarers' ability to communicate with their loved ones.

- They understand that being a trusted advisor means also being there for emotional support – being available to listen with a sympathetic ear, explaining unwritten rules, and acknowledging life's disappointments and victories. Good mentors are able to balance showing empathy and encouraging the seafarer to deal with a situation.
- They chart a course with the junior seafarer. Good mentoring starts with an exploration of where the seafarer wants to end up... as master, on shore...? These goals become the foundation of the mentoring partnership.
- They know that both the mentor and mentee gain confidence and leadership skills through the two-way mentoring process.

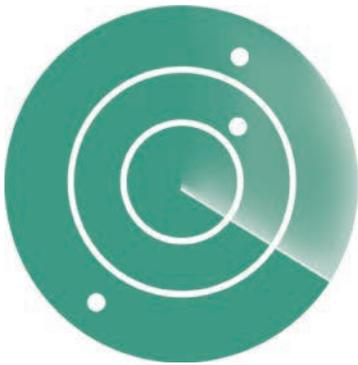
Everyone has knowledge to share. Younger seafarers who are quicker at adapting to new technologies on board than some more senior seafarers can 'reverse mentor', turning the traditional model around, with a younger seafarer teaching an older one new tricks.

The ITF Seafarers Trust is funding a new Seafarers' Mentoring Project with Southampton Solent University in the UK to explore the range and remit of various mentoring schemes currently being used within shipping companies internationally.

We hope this in-depth research will help to demonstrate the numerous benefits of mentoring, including the impact it has on seafarers' health and wellbeing and enhancing safety on board. ■

# Industry initiative seeks to tackle maritime corruption

Cecilia Muller Torbrand, program director, describes how the work of the Maritime Anti-Corruption Network (MACN) is helping captains and crews on the sharp end of tackling corruption



## MACN Maritime Anti-Corruption Network

**Seafarers are familiar with the concept of facilitation payments: the requests from port officials for cash, soft drinks, cigarettes, or alcohol before a routine service is performed. For seafarers, this can be a serious and stressful issue. Declining is not always simple, with requests liable to turn into extortion and sometimes accompanied by threats to crew or vessel safety.**

Tackling this systemic issue requires collaborative action across the industry. Shipping companies can work on training, policies and procedures to help seafarers to refuse requests but if port staff or authorities continue to view such payments as acceptable and the demands persist, then we're not much further forward.

In 2011, we decided to try and win industry-wide interest in taking a joint approach to tackling corruption. Today MACN has 90 member companies.

The network is guided by three strategy pillars:

- 1. Capability building** – providing solutions to members and supporting their internal compliance journeys, for example, through our anti-corruption training for captains and employees.
- 2. Collective actions** – driving changes in the operating environment, and building partnerships with the industry and governments. We analyze issues and then support implementation of mitigating actions to tackle corruption in ports. We seek active engagement with governments to address systemic corruption, bring evidence to the table and offer solutions. We have programs in the Suez Canal, Argentina, Nigeria, Indonesia and Thailand, and are mapping new efforts in India and China.

- 3. Culture of integrity** – contributing to raising integrity standards and awareness of integrity issues. For example, we offer our training to schools to equip newly graduated seafarers to tackle integrity issues. Through a cross-industry working group, MACN works with the ITF and other maritime organizations to link corruption cases with seafarers' safety.

We've seen some striking impacts from our collective actions. In our Say No campaign in the notoriously difficult Suez Canal, members agreed to reject demands by using co-ordinated communications materials and a captain's toolkit; this has led to a decrease in demands. In the Indonesian port of Tanjung Priok, we pushed for upgrading IT systems which allowed operators to continuously track the location of their container and understand the reasons for any change.

In Nigeria we worked with the authorities to create standard operating procedures for port officials, alongside integrity training and implementation of a grievance mechanism. In Argentina we have spearheaded a project that will increase the efficiency, integrity and transparency of hull tank inspections. The efforts in both countries focus on reducing the possibility of ships being delayed or targeted for unclear or unfounded reasons.

A good start in a huge, diverse industry but we're determined to get more widespread buy-in to our approach and collective actions.

Find out more about the MACN at [www.maritime-acn.org](http://www.maritime-acn.org). ■

Cecilia was a front driver for MACN's establishment in 2011. Previously, she was senior compliance officer in the Maersk Group for over eight years, and has been responsible for anti-corruption efforts globally.



# Grim insight into life on live animal export ships

**Dr Lynn Simpson is a former live export onboard veterinarian. Here she gives a personal account of the typical conditions she encountered for crews looking after live animals**

## The sea calls many for adventures.

She provides others an opportunity to feed their families. I found this commonly with the seafarers I sailed with as a veterinarian.

Officers have training and can transfer from one fleet type to another. The deck crews on livestock carriers generally have no maritime training and have taken to the sea due to a lack of options at home.

They find themselves learning livestock management on the job. Rudimentary training only: provide feed and water, and wash the sewerage off when able.

Rarely does training on animal welfare or shipping standards exist. They usually have no idea there is any assistance for them beyond a cup of coffee at a seafarers' mission in port. They are rarely, if ever, aware of human rights or employment representative organisations to call on if they feel exploited.

And they often do feel exploited, questioning conditions, pay and length of contracts. Contracts of 10 months, toiling 12 hours a day, seven days a week were most common.

Crews do whatever it takes to manage the livestock. This usually involves dissecting deceased animals with knives and axes and the sloppy, disgusting disposal of animals that are disintegrating after dying from heat stress in large numbers.

They always had more cramped accommodation than the officers, often with an apparent frugal allowance for basics such as food and personal hygiene products.

I've sailed on ships where the water for personal washing was opaque with rust and grit, where the air conditioning to their cabins was turned off by a spiteful captain during a Persian Gulf summer, forcing them to sleep on the roof for respite.

Many seafarers told me they think what happens to the animals on the ships is wrong, but in my view, so is what they endure.

Engineers loathe working on livestock decks because of the danger of aggressive cattle. Others are simply overwhelmed by the smell and sewerage they find themselves enveloped in. The electricians are under huge stress: if the ventilation fails they often have only hours to save the cargo from dying.

There were dangerous practices, such as painting shipsides without harnesses. And knowledge of animal behavior was low. For example, lighting placed inside pens causing mild electrocutions, as no-one understood bored livestock would chew wiring they could reach. In one case, it took a few suspicious cattle deaths and several crew, including myself, reporting electric shocks from railings, before the lighting was removed.

Most seafarers work in a mix of freezing or stinking hot temperatures but only a few companies provide appropriate clothing or personal protective equipment.

Affordable communication for crew to contact the outside world was scarce, resulting in loneliness, high depression incidence and discontent.

All this, yet I never heard seafarers complain to the company for fear of losing their livelihoods. ■

# Protecting seafarers' jobs at home

**Seafarers' Bulletin reports on union efforts to protect cabotage – reserving a nation's domestic maritime commerce for its own citizens to ensure skilled workers and decent jobs for the industry's future – which continues to be under threat from those chasing big profits by undercutting standards of employment.**



## **SIU Canada seafarer training wins US government praise**

**Jim Given, president of SIU Canada and chair of the ITF cabotage taskforce, welcomes government recognition of its seafarer training programme**

We invest heavily in training our seafarers in the skills they need, both when serving in our national waters and internationally. So we were delighted when the US secretary of

transportation Elaine Chao praised this work at the Seafarers' International Union of North America (SIU) convention in September 2017.

It was particularly heartening to hear Ms Chao reaffirm the US government's commitment to the Jones Act, which regulates maritime commerce in US waters and between US ports.

But we must keep up the fight against attacks on the vital cabotage industry. We will continue to make the case for national seafarers' jobs, spurred on by our legal victory in 2016 which means that now SIU members are for the first time manning foreign flag vessels operating under a waiver.

Where international treaties like CETA (the Comprehensive Economic and Trade Agreement between the EU and Canada) threaten to undermine the benefits of maritime cabotage by liberalising the shipping industry, we will continue to mobilise the full power of the international trade union movement to block them.



## Norway union wins widespread support for cabotage

The Norwegian Seafarers Union is winning mayoral support for cabotage, says its president, Johnny Hansen

Norwegian seafarers are under pressure. Foreign-flagged vessels with crew members who have labour conditions well below Norwegian standards are creating an intolerable reality for our members.

We want our government to examine the possibilities for Norway to demand Norwegian labour standards – in wages and conditions – for all vessels operating over a certain time in Norwegian waters and in our continental shelf.

So for the last 1.5 years, the Norwegian Seafarers Union has mobilised a campaign to enlighten and inform the broader public, and our local politicians, to win support for our arguments when we make them to central government.

Our investment of time and energy into meetings with local mayors and authorities around the country is paying off. Many believed that labour standards were fine, and have been shocked to hear what is really going on with our seafarers. As a result, we are winning a lot of support from city councils and mayors across Norway.

These events have also generated good publicity in the Norwegian press, providing encouragement to our members and raising public awareness. I'm pleased to say that opinion polls show levels of public support ranging from 70 percent to 95 percent.

The battle is far from over, though, and our discussions will continue. Our goal is that maritime activity in our waters and on the continental shelf should be covered by a law requiring all seafarers to be paid according to Norwegian standards. Work in Norway – be paid in our conditions. We will never give up.



## Unions press for Chile maritime ministry

Juan Luis Villalón Jones, ITF Inspector in Chile, reports on the union campaign for a maritime ministry

On 28 June 2017, cabotage was discussed when ITF seafarers and fishers unions in Chile attended a seminar with senators and members of the lower chamber in the national political congress to debate the need for a maritime ministry. Also taking part were representatives from a range of Chile's maritime organisations, including the National Shipowners Association, the former chief of the Chilean navy, maritime academies and government advisers.

As seafarer unions, we expressed our concerns about how legislation was being created for financial concerns, rather than on social, labour or environmental concerns. All the maritime representatives supported keeping cabotage for Chilean seafarers and committed to fight any attempts to open either cargo or passenger cabotage.

The lower chamber of our parliament has since taken up the idea but it wants to create a sub-secretary rather than a secretary (ministry). So we'll fight on.

In the meantime, Chilean nationals will continue to serve on Chilean flagged vessels. If foreign companies want to operate in Chile, they will be welcome but only if they adhere to the same regulations and tax system as Chilean vessel owners.

## Survey reveals extent of cabotage

Deirdre Fitzpatrick, executive director of Seafarers' Rights International (SRI), presents the unique findings of a global survey of cabotage

The regulation of maritime cabotage trade is often controversial, reflecting political, economic and social priorities of national governments. The arguments of trade unions who seek to protect national jobs are one voice to be reckoned with.

In engaging in their arguments, it must be helpful to know the extent of maritime cabotage restrictions around the world. This is an exercise that the ITF embarked on in 2016, when it engaged SRI to carry out a worldwide survey of maritime cabotage laws to find out how many countries restrict foreign vessels in their maritime cabotage trade.

There had previously only been a few studies of worldwide laws regulating maritime cabotage. Back in 1991, the maritime administration of the US department of transportation contacted 56 countries seeking wide-ranging information on restrictions in the maritime cabotage trade. The survey established that 47 of the 53 countries which took part in the survey restricted foreign activity in maritime cabotage. In 2010, the Maritime Union of Australia used these results to study 35 countries with restrictions on foreign activity in some form in maritime cabotage and to tackle the legal, economic and political aspects of maritime cabotage.

During 2016 and 2017, SRI conducted a worldwide survey of maritime cabotage laws starting with 193 countries that are members of the United Nations. We excluded landlocked countries and countries with only one port, so that left us with 136 countries in the survey. We contacted lawyers in each of those 136 countries. The survey discovered that 91 countries (almost 67 percent of countries with two or more ports) have some form of restriction against foreign vessels operating in their maritime cabotage trades. This is a unique finding. ■



# ITF champions the rights of Thai fishers'

## New ITF Asia Pacific campaign centre to build union power

ITF through its unions is committed to building unions and challenging rising corporate power and inequality. With this in mind the ITF has restructured its Asia Pacific region to create 'centres of excellence'.

The Asia Pacific campaign centre in Sydney will focus on:

- *Building and affiliating strong and active unions*
- *Developing and delivering innovative campaigns that raise wages, conditions and union rights for transport workers and*
- *Curbing corporate power.*

The centre will build union power and capacity by uniting and activating workers across global workplaces and developing successful campaigning techniques that can be shared across the ITF.

In Thai fishing, for example, detailed corporate and industry research will inform the ITF's public campaign. The work is underpinned by calling on retailers and other companies to end the double standards in their supply chains and extend workplace codes of practices and commitments to worker initiatives for fishers.

Throughout 2018, the centre will focus on aligning its work with the ITF's other sections, departments and regions. It plans to build a global network of activists willing to participate in actions in support of its and affiliates' campaigns. Ultimately, the centre's goal is to be an organising and campaigning hub for ITF affiliates and other unions, their global union federations, and other organisations committed to building worker power.

**Thailand is the most important country for the tuna industry, with hundreds of thousands of fishers and seafood processors from Cambodia, Myanmar and Thailand engaged in the supply chain. Most have no industrial rights in Thailand, says Shannon O'Keeffe, ITF South Pacific campaigns director, and the ITF is determined to change that**

**In April 2017, the ITF restarted its South Asian fishers campaign through the Sydney Office in Australia by establishing a worker organising team in Songkhla, Thailand. The ITF is now the main voice for fishers in Thailand.**

Our challenge is to establish campaign and union best practices that can be exported throughout the region to dynamically change the power structure in this industry. Our long-term plan is to build a democratic, sustainable union for fishers that could serve as a model regionally, starting in Thailand.

Already the ITF has assisted in planning and running three worker trainings (one in Chonburi and two in Songkhla) for more than 100 fishers and seafood processing workers. The aim is to educate the mostly Myanmar and Cambodian migrant workers on their rights, trade unions, and how to report incidents and take charge of issues in their workplace.

We have also been working closely with Stella Maris, State Enterprises Workers' Relations Confederation (SERC) and the Migrant Workers Rights Network (MWRN) to align the trainings to our union organising program. Trainings have helped to identify potential leaders for organising campaigns. ITF organisers will continue to work with the ILO, Stella Maris, the Thai Labour Solidarity Committee (TLSC), SERC and the Solidarity Centre to identify more potential leaders and develop capacity.

In July, seafood products producer Thai Union and Greenpeace signed an important agreement that committed them to improving labour and environmental standards. This will help ensure that suppliers who work in the shadows – illegally fishing and violating workers' rights – will no longer be part of the company's supply chain. It also makes significant progress towards limiting the environmental impact of some terrible fishing practices,

increasing the amount of ethically sourced seafood in major markets, and limiting labour and human rights abuses throughout Thai Union's supply chain. Thai Union has also agreed to support all workers' rights to freedom of association and collective bargaining throughout their supply chain, including migrant workers.

The ITF assisted Greenpeace behind the scenes in negotiating this agreement, working with their team on negotiation strategy and language for the labour standards and vessel code of conduct sections in the agreement.

We are cautiously optimistic that this agreement can be an effective model for the entire fishing industry. But the ITF campaign will hold Thai Union accountable for honouring and implementing the agreement and we are accelerating our organising on the ground. ■

# ITF applauds strong ILO response on Thai fishers

Jonny Hansen, ITF fisheries section chair, welcomes ILO ruling on the Thai government's failure to protect fishers from forced labour

In February 2016 the ITF and International Trade Union Confederation (ITUC) submitted a case to the International Labour Organization (ILO) governing body accusing the Thai government of failure to implement and enforce the legal framework to protect Thai and migrant fishers, thus breaching ILO convention 29 on forced labour. On 28 March 2017 the ILO governing body gave its ruling. We particularly welcomed the following conclusions and recommendations:

- Urges the Thai government to work with governments in migrant workers' home countries to regulate the use of recruitment brokers.
- Expects the government urgently to ensure that officials complicit in human trafficking are prosecuted and that effective penalties are imposed.
- Requests the government to take measures to ensure that the widespread confiscation of identity documents by employers is prohibited by law, to investigate such abuses and to punish those responsible.
- Asks the government to strengthen the

capacity of labour inspectors, provide more training on detecting forced labour, introduce random inspections and hire more inspectors able to speak migrants' languages.

These are vital to achieve real change for the countless migrant fishers trapped into forced labour, trafficking, deplorable working conditions and physical abuse. Fishers will win even more protection when Thailand ratifies and enforces the Forced Labour Protocol and Convention 188 on Work in Fishing, so we will keep pressing the government to act. ■

## Migrant fishers in Ireland face legalised slavery

The system supposed to protect migrant fishers in Ireland has legalised slavery, says Ken Fleming, ITF coordinator for the Great Britain & Ireland, as he pledges to keep up the pressure for change

The ITF is appalled that, nearly two years after The Guardian newspaper exposed widespread exploitation of migrant workers in the Irish fishing industry, the system set up to provide protection for the fishers is failing them badly.

The government acted swiftly in response to the Guardian story, setting up a high-level task force to hear evidence from the ITF and others in the industry. We welcomed the task force's recommendations in early 2016 for a new work permit system to end the exploitation but warned

that without effective inspection and enforcement the proposed permits would be worthless.

We continued to express our growing concerns throughout the year. Government inspections found that a quarter of migrant fishers were not in the scheme, and boat owners were using the system to move from paying crews on a share system to paying the minimum wage.

In February 2017, 68 migrant fishers attended an ITF meeting. Several reported being underpaid and overworked, with claims of 100-hour weeks with

insufficient rest periods.

The evidence that the system was failing was overwhelming. The ITF called for immediate action to end the abuse and demanded that all undocumented migrant workers in the Irish fishing industry be given leave to stay.

In testimony to the Irish parliamentary committee that investigated exploitation of migrant fishers in July 2017, we said the permit scheme had legalised slavery and called for a major overhaul of the industry to comply with national,

European and international legal obligations. We backed this with a special ITF report on the conditions and abuses faced by foreign crews in the Irish fishing fleet.

The ITF is calling for:

- a moratorium on permits to out-of-country fishers;
- the removal of exemption from the permit scheme of vessels under 15 meters (over 80 percent of the fleet); and
- the decoupling of the permit from a single specified employer to the fisher. ■

### Ken Fleming receives social justice award

Ken Fleming was given the Spirit of Mother Jones award in recognition of his work exposing labour abuses in the maritime industry.

James Nolan from the award committee said: "Ken Fleming has been willing to challenge the official silence on the blatant exploitation of many seafarers and migrant fishers in Ireland and the UK. He is a fearless, passionate and determined defender of the workers who have been denied their rights..."

## ITF dockers demand global terminal operators adopt UN global compact

Signing up to the UN Global Compact would simply mean dockers, wherever they work, having the same minimum standards of health and safety and labour rights. So why are the global terminal operators not adopting it, asks Nigel Venes, assistant secretary ITF dockers' section



**Decent work is a cornerstone of the trade union movement. We fight every day for companies to uphold labour standards in their own operations and across their supply chains, to treat all their workers with respect, and to provide productive, secure jobs in safe environments.**

It's not rocket science to know that treating your employees well and respecting their hard-won rights to freedom of association – the right to join and participate in trade unions without victimisation or employer interference – and collective bargaining is good for workers and good for the company's bottom line.

The UN introduced its global compact to advance responsible business practice. The Compact contains 10 principles under the headings of Human Rights, Labour, Environment and Anti-Corruption. Of these, four come under the heading of 'Labour'. They are championed by the ILO and all apply to ports:

- *Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining (Principle 3)*
- *The elimination of all forms of forced and compulsory labour (Principle 4)*
- *The effective abolition of child labour (Principle 5) Child labour in ports? Yes, shockingly it happens.*
- *The elimination of discrimination in respect of employment and occupation (Principle 6)*

Most leading multinational employers have signed up, but only one global ports operator – APMT, part of the Maersk Group.

Why are the other big terminal operators – DP World, HPH, COSCO and PSA – avoiding making a public commitment to minimum standards across the board on human rights, forced labour and discrimination in every one of their operations in any country? Do they have something to hide?

In June 2017, the ITF formed a global alliance of 17 dockers' unions based in DP World terminals to help them work together on important issues. They agreed they want to win a consistent set of minimum standards that apply to all workers across the globe – whether they're in India, Canada, Peru or Australia.

Some of our unions have provided us with information about employers using union busting tactics or establishing yellow unions to compete against them, along with pursuing competition and corporate growth based on exploiting and diminishing dockers' rights. The ITF will not tolerate this exploitation and will work with our unions to secure meaningful negotiation and dialogue with port employers to end these violations.

Dockers in DP World are demanding that their employer signs up to the UN Global Compact. DP World needs to make a public commitment to decent health and safety policies and practices, fair employment criteria for direct and indirect employees and respect of their workers' views via freedom of association and collective bargaining. ■

Follow the docker podcast at [www.thedockerpodcast.libsyn.com](http://www.thedockerpodcast.libsyn.com)

# Calling all seafarers: have your say on gender issues at sea

“Although more women have been attracted to seafaring in the past decade, the number of women sea officers has remained microscopic, compared to the thousands of male sea officers deployed every year. Research carried out by the International Labour Organization (ILO) and the International Maritime Organization (IMO) show that women account for only two per cent of the world seafarers.”

Tangi, Public Policy 2016



**Kim Rojas, ITF project specialist – ending violence against women transport workers, urges all seafarers to have your say in ITF research to build a global picture of gender (in)equality at sea to support trade union action to bring about change**

**We all know that numbers of women are low and numbers of women in high ranking positions are ‘microscopic’, but what is the impact of this on workers and your workplace?**

To answer this, the ITF is carrying out equality testing research and needs you to respond.

Your responses to the research will provide us and our trade unions with invaluable evidence. We can then use this, for example, to challenge significant industry issues, such as discriminatory compulsory pregnancy testing for seafarers and recruitment discrimination towards female maritime graduates.

Responses will also help us gather global evidence of violence at work in transport, to boost our fight for the proposed new international law on violence and harassment against women and men in the world of work.

With your help, we can reach the greatest number of workers and union representatives/officials from the most diverse workplaces, and deliver a strong piece of research that will benefit union campaigning for us all.

The survey is voluntary and easy to complete. It mainly requires

tick-box answers – and can even be completed on a mobile phone (although it must be completed all in one go). PDFs are available so you can view and consider the questions before starting the online survey.

It's also anonymous, so you can provide your answers without fear of anyone knowing how you responded.

The research is made up of two parts – a worker survey to help us identify employer policy and practices, and a union supplementary questionnaire to help us identify union gender priorities.

The worker survey asks questions about:

- *your job (anonymised);*
- *the policies and procedures your employer has in place for equal opportunities, including access to training and promotion, and violence at work, including sexual violence and sexual harassment; and*
- *your working conditions in relation to jobs and pensions, recruitment and appearance.* ■

**Have your say and complete the ITF equality testing research at <https://goo.gl/63IL6g>**

# BURMESE COWBOY

THE SHWE TUN AUNG STORY



## Be inspired by Shwe Tun Aung story

**Peter Lahay, ITF co-ordinator for Canada, reviews *Burmese Cowboy: The Shwe Tun Aung Story***

**As ITF inspectors, we know the moment comes eventually for every seafarer.**

You suffer an injury, but are denied medical care. Or food runs out. Your wages are late, or don't show up at all, and your families back home go without their allotments. You are told to do unsafe work.

And you face a tough choice: Do you do the right thing and stand up for yourself and your comrades, knowing there might be a price?

*Burmese Cowboy: The Shwe Tun Aung Story*, is a film about the legendary seafarer who chose to set aside his fears and speak up for his crew — and about the worldwide solidarity the ITF provided at every turn.

In 1998 Shwe signed on to the *Great Concert*, a flag of convenience vessel. For four months, crew went unpaid. When food ran out, they lived off the cargo of rice. Finally, heading for port in Brazil, Shwe decided to contact the ITF. The rest of the crew feared for their jobs

and their families, so Shwe stood alone for them. And he won.

The film traces the sometimes painful story of the fears, threats and hardships that led Shwe — initially banned from a return home — to an international family, a job as an ITF inspector in Houston, and the glory of an eventual return to Myanmar, where he has won worldwide applause for helping found a new seafarers' union, the International Federation of Myanmar Seafarers (IFOMS).

Shwe's story closes with the happiest of endings: the open and democratic, worker-centered IFOMS. Shwe chose to do the right thing, took the hand extended by fellow seafarers around the world, and gave his countrymen a way to experience the ultimate goal for all of us: a chance to collectively look after our own interests. For this he is a legend in Myanmar and a fierce fighter for all seafarers world-wide.

Be inspired. Watch this film. ■

**Watch *Burmese Cowboy: The Shwe Tun Aung Story* on YouTube at <https://goo.gl/hczK8m>**



# Free ITF apps: ITF Seafarers and ITF Wellbeing



## ITF Seafarers

- Find out about your ship
- Learn what a union can do for you
- Discover where to get help in a crisis
- Get in touch with the ITF

## ITF Wellbeing

Worried about HIV/AIDS, sexually transmitted infections (STIs), tuberculosis (TB), malaria, the Zika virus or stress?

### Find all the latest information and advice:

- Symptoms
- Transmission
- Treatment
- Prevention
- Common misconceptions about the disease

They're free and available for both **Android** and **iOS** devices just download them from your **app store** or from [www.itfseafarers.org/seafarer-apps.cfm](http://www.itfseafarers.org/seafarer-apps.cfm)



Other ways to keep up to date about life at sea:

- Follow and have your say on the latest news using **#itfseafarers** on *Twitter*
- Keep up with the ITF and union news **@ITFglobalunion** on Twitter and at [www.facebook.com/ITFseafarerssupport](http://www.facebook.com/ITFseafarerssupport)

## Lashing in Ports is Dockers' Work

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

If you are being asked to do lashing and unlashings in ports without written permission from the local Dockers' union, then your company may be in breach of an ITF collective agreement. Let us know if this happens to you by sending us an email detailing what happened, the vessel name and location to: [Reclaimlashing@itf.org.uk](mailto:Reclaimlashing@itf.org.uk)

*We will keep your details confidential to the ITF and won't tell your employer.*

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