



Black Sea Bulletin

International Transport Workers' Federation

2013

MARITIME LABOUR CONVENTION 2006

YOUR RIGHTS EXPLAINED

**VOLGO BALT 199:
A TRAGEDY
WAITING TO
HAPPEN**

**SHIPPING IN THE
BLACK SEA: THE
LAST CHANCE
SALOON**

**UNIONS: WHAT'S
THE POINT?**

English

FLAGS OF CONVENIENCE



ANTIGUA & BARBUDA



BAHAMAS



BARBADOS



BELIZE



BERMUDA



BOLIVIA



BURMA/MYANMAR



CAMBODIA



CAYMAN ISLANDS



COMOROS



CURAÇAO



CYPRUS



EQUATORIAL GUINEA



FAROE ISLANDS (International register)



FRANCE (second register)



GEORGIA



GERMANY (second register)



GIBRALTAR



HONDURAS



JAMAICA



LEBANON



LIBERIA



MALTA



MARSHALL ISLANDS



MAURITIUS



MOLDOVA



MONGOLIA



NORTH KOREA



PANAMA



SÃO TOMÉ & PRÍNCIPE



SRI LANKA



ST VINCENT & THE GRENADINES



TONGA



VANUATU

These are the maritime flags that the International Transport Workers' Federation has declared to be flags of convenience. In addition to these flags, there are certain shipping registers whose vessels can be regarded, on a ship-by-ship basis, as operating under a flag of convenience

NO PLACE TO HIDE

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With its important strategic location, the Black Sea region has been on the ITF radar for some time. Unfortunately, the area has been notorious in ITF circles for all the wrong reasons. The Black Sea has provided a haven for opportunistic owners looking to drag out the economic

life of vessels that would have been scrapped by anyone with an interest in safety of seafarers or concern for decent living and working conditions. The toxic combination of such an 'entrepreneurial spirit' with lax regulation, not to mention bribery and corruption, has brought misery to many a proud seafarer. The number of cases of fatalities and accidents due to substandard working environment, unpaid wages, physical and psychological abuse, inadequate insurance, and simply inhumane living and working conditions are a disgrace in this day and age.

That said, there is some cause for hope. Firstly we have confidence in our ITF affiliated unions in the region. In the past seafarers in this part of the world have expressed doubts about the value of trade unionism. Let's be frank, in many cases unions have been part of the state machinery and not seen as independent bodies with the interests of members at heart. Then there are the yellow unions, creations of companies seeking to subvert the whole idea of worker representation. ITF affiliates must be free and independent and conduct their affairs democratically. When it comes to seafarers' unions our affiliates are committed to fulfilling their responsibilities to you, their members.

In this publication, amongst other things, you will find an article on the ITF Seafarers' Charter, a binding commitment by ITF unions to seafarers serving on vessels covered by ITF agreements. We're convinced that our unions are active in promoting your rights but we also want to help you to stand up for your individual rights as seafarers. Here's the second cause for celebration – the Maritime Labour Convention, 2006 will enter into force in August 2013. The ITF has been involved in the development of this 'Bill of Rights' for seafarers since its very conception in 2002 and we want to make sure that it has the maximum impact possible on the lives of seafarers.

This bulletin should give you a taste of what's covered by the Convention and how it should affect you. Our unions and inspectors will be happy to provide you with more detailed information or answer any questions you might have. I strongly recommend that you find out as much as you can about your rights under the Maritime Labour Convention, 2006 – after all information is power!

Stephen Cotton
ITF acting general secretary

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Stephen Cotton has worked for the ITF since 1993 and was, until recently, the maritime coordinator in charge of all of the ITF's maritime activities. In October 2012 the ITF's executive board appointed him to the position of acting general secretary to allow a smooth transition from the leadership of David Cockcroft who will retire in May 2013.



ITF's FOC Campaign

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

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

In effect, the unions seek to agree conditions which at least reach the standards laid down by the ITF fair practices committee – the joint seafarer and docker body that sanctions the FOC campaign. In recent years, the ITF has negotiated an international collective agreement with a large and growing group of ship operators within the International Bargaining Forum, which provides comparable standards but with more flexibility.

Black Sea seafarers who have problems with their pay and conditions, or any other grievance about the way they are being treated, can either get in touch with the ITF directly or can contact one of our inspectors based in the region.

➔ (see map on centre pages)

ITF inspectors visited a total of 9,104 ships during 2011.

During 2011 the ITF flag of convenience campaign resulted in a total of more than US\$31.6 million being recovered in back wages and compensation for crews.

The number of on-board jobs covered by ITF agreements in 2011 was 214,066.



ANOTHER BLACK SEA TRAGEDY



Volgo Balt 199 sinks off Sile: crew and rescue team lost

On 04 December 2012 the St Kitts & Nevis flagged vessel, Volgo Balt 199 sank in the Black Sea off the coast of Turkey. The vessel was transporting coal from Russia to the Turkish port of Antalya. On board were 12 crewmembers, one Russian and 11 Ukrainians.

The vessel sank during a heavy storm having sent a distress signal at 07:30 GMT before losing contact. Only four seafarers were rescued. At the time of writing, the search and rescue team had found only one body, though searches were on-going.

Sadly the tragedy was not limited to the losses on the Volgo Balt 199. A speed rescue boat, the Kiyem-7, from the Turkish General Directorate of Coastal Safety sailed to rescue the seafarers but was turned over in huge waves off the coast of Sile near to Istanbul. Captain Cemil Ozben and three crewmem-

bers were lost. In addition, a fisher was lost in the waves while he too was trying to help. Only one member of the rescue team survived. Captain Ozben and his team did not hesitate to go to the rescue of the Volgo Balt crew 199 in spite of the dangerous weather conditions.

Substandard ships operating in the Black Sea and the authorities who fail to take the measures required to improve safety standards in the region are responsible for this tragic event. Volgo Balt 199 was an old river ship, built in 1976. Given the extreme weather conditions in the area how can such a vessel be licenced to operate in the Black Sea? More people will die in the Black Sea unless such vessels are prevented from trading.

(see article on page 5)

POTI

SUCCESS FOR NEWLY FORMED DOCKERS' UNION

GEORGIA

On 13 November 2012 Georgian dockers called off a successful strike at the port of Poti after their actions won a 30 per cent pay rise and a promise by the new port director to talk over all their concerns.

The 1,200 workers, who are in the process of establishing the Poti Port Union, brought the port to a standstill when they began an indefinite strike on 1 November. They were calling for higher wages and an improvement in their working conditions at the port which has, since April 2011, been owned by global network terminal (GNT) operator APMT.

On 02 November, representatives from the



ITF-affiliated Georgian Seafarers' Union (GSU) took part in a protest in solidarity with the port workers. They and a delegation from the Batumi Sea Port and the Navigation Institute also joined the striking workers in Poti. GSU chairman Anatoly Chijavadze was among the dockers' key supporters.

ITF Inspector Merab Chijavadze explained:

"Employees in mechanisation, the navy and other terminal positions, gathered at the entrance to the port and announced they would not come to work for as long as the administration did not meet their demands

for higher wages or better working conditions."

The European Transport Workers' Federation (ETF), ITF and the Danish 3F union all assisted the Georgian Trade Union Confederation during the strike. Eduardo Chagas, ETF general secretary, told them: "We fully support your struggle and we believe that the demands put forward by workers are legitimate and in line with the main principles in ILO fundamental conventions."

Where to look for justice?

Flags of convenience are not just vehicles for tax avoidance and low technical standards, they also create legal obstacles for seafarers in the protection of their labour rights. At home the court says – 'you have worked abroad, your labour relations are governed by foreign laws, you should go to court in the country of the flag'. But how can a seafarer from Ukraine or Georgia file a claim in Belize or Vanuatu? There is only one option - to look to the port of call of the ship, but there lies another problem, who to contact? Which local law firm can you trust and how to find an advance of US\$3,000-5,000 just to prepare an application for the arrest of the ship?

The crew of the Turkish owned, Moldovan flagged vessel "SHT Huseyin Akil" faced such problems. The vessel had accrued three months wage arrears, and repeated appeals by the crew were ignored by the shipowner.

The first to sound the alarm were the Georgian seafarers who contacted Georgian ITF Inspector Merab Chijavadze. The ship was in Ochakov, Ukraine, so Merab called on the Ukrainian Marine Trade Unions' Federation (UMTUF) for assistance.

According to Maksym Silusarevskiy, president of UMTUF, the vessel was waiting for discharge so the crew were advised to suspend the discharge until the wages were paid.

As the vessel was under FOC flag of Moldova the crew agreed not to leave the vessel until pay calculated according to ITF minimum rates was received. After the transfer of money, the vessel resumed unloading, the seafarers got their wages according to the ITF rates as well as tickets booked in advance for repatriation".

The remaining crew decided to wait and give a chance to the shipowner to pay voluntarily. But their patience did not last long. After several months in the port of Novorossiysk they applied to ITF Inspector Olga Ananina for help.

The shipowner claimed that according to a verbal agreement with the crew the total debt would be paid after loading while crossing from Novorossiysk to Haifa.

The crew did not believe his promises and refused to carry out cargo operations before payment of wages. When the shipowner realised that the situation threatened him with additional costs, he began to send letters with threats to the crew. But this time the seafarers didn't make concessions. As a result, outstanding wages of US\$21,433 were finally paid and the vessel left port on 12th October.



Maksym Silusarevskiy (right) and Merab Chijavadze (left) with a seafarer from the SHT Huseyin

DON'T WAIT FOR A MIRACLE!

SAYS ITF INSPECTOR, OLGA ANANINA, WHEN YOU HAVEN'T BEEN PAID FOR TWO MONTHS DON'T PROLONG THE AGONY...

The 47 year-old vessel, 'Filia' was brought by its Greek owners to run a business between ports in Abkhazia and Russia but on arrival in Ochamchira it became clear that the vessel would not be permitted in any Russian port on account of its technical conditions so the owners decided to keep her in Abkhazia for dredging work. The crew, from Novorossiysk and Rostov-on-Don, were promised an idyllic holiday-resort lifestyle of beaches and fun, what they found was a rust bucket of a ship without fresh water, provisions or spare parts for repairs. They applied to the ITF and were able to get outstanding wages for two months and assistance with repatriation. Amazingly, the vessel is still trading in the Black Sea...

“

Rats - they become almost like pets. It proved impossible to exterminate them completely. We tried to destroy them many times but failed, instead we suffered from the stench in the hold... They are everywhere - in the cabins, in the galley spoiling the food...”



“The state of the ballast pipe is so bad that it can be poked with a finger. Ballast operations are not conducted. Water enters from the ballast tank to the hold through cracks that have been temporarily sealed with raw rubber.”



“Taking on board five barrels of fuel we had to load by hand - and not even at a filling station, at the private garage of a local resident...”



“The general condition of the vessel is sad. Chief mate and bosun are absent. No tools, no supplies. The most valuable thing provided by the company within the last five months is six cutting discs for the small grinder.”



“Electrical wiring on the bridge - the Captain had no idea about the equipment and so the engineer had to deal with the electrics.”



“During the whole period there was not one drill. If anything goes wrong no-one will be able to extinguish a fire. The company said no need as we're close to the coast”



TRAGIC SILE ACCIDENT EXPOSES SYSTEMIC FLAWS



URAL ÇAĞIRICI, CHAIRMAN, MARINE EMPLOYEES' SOLIDARITY ASSOCIATION, DAD-DER MOURNS THE LOSS OF A FRIEND (CEMIL OZBEN PICTURED FAR LEFT) AND SEES A PATTERN IN THE LACK OF ACCOUNTABILITY

Watching the news with the tragic final scenes of Cemil Ozben, master of the vessel sent to rescue the Volgo Balt 199 crew, it seems unbelievable. Everyone is making comments and looking for someone to blame, but those expecting to find someone responsible for the tragedy run into a state which never makes a mistake. With all the so-called experts expressing views on the case those who died risk being lost again in the pollution of mass information.

Why did they die?

Should we not start with some questions about the Volgo Balt 199? The vessel was built in 1976, flagged to St Kitts & Nevis and is 'river type'. We have visited these sort of ships many times because of outstanding wages. In most cases the living conditions are not fit for animals. Many times the ship-owner simply says, 'the ship is yours, do whatever you want' and hangs up. These ships are scrap and their value is below that of the bunker debts and unpaid wages.

Companies register each vessel of their fleet to a different offshore company in order to prevent creditor parties from recovering their debts via the other vessels when a ship sinks, causes pollution or seafarers die. The Volgo Balt 199 belongs to a 'bubble company' named Baltwave 199 Ltd, which was founded specifically to facilitate the avoidance of responsibility. In fact, the real owner is Ukrainian private enterprise Valship. The system makes the real owner seem like a victim and creditor of its own bubble company.

Can any maritime professional believe that this 36 year-old Slovenian river ship could pass Port State Control inspections? How can it have entered ports in Turkey, Ukraine and Russia without any detention since last year? A lorry made in 1976 is inspected more frequently than newer vehicles because it is more dangerous. Its costs are likely to exceed its value. It would not make sense to

keep it because the insurance costs would be too high. In the event of an accident, there would be a paper trail and many questions would be asked to establish responsibility and accountability. However, nobody asks these questions when the accident is at sea. Everyone in the maritime industry knows why these ships have St. Kitts and Nevis, Cambodia, or Comoros flags. The answer is simple, because only a cheap flag state is prepared to register these floating lumps of scrap as vessels. Serious flag states would never want to discredit their names with such 'vessels'.

The St. Kitts & Nevis flagged Volgo Balt 199 built in 1976, the Cambodian flagged Almeria & Navigator built in 1976 and 1980 respectively belong to the same Valship company and are constantly trading in and out of Black Sea ports. Why does a state allow this policy of unaccountability while forcing ships flying its own flag to abide by international standards? How can such double standards be acceptable?

In December 2009 the 1971 built, Panama flagged M/V Ogan Bey sank off Eregli Coast near Zonguldak, leaving four of its crew dead. The vessel was registered as a one-ship company with no P&I insurance and no possibility to claim compensation for the loss of life. In February 2012 M/V Vera, built 1977, flagged to Cambodia, sank in similar circumstances with eight dead and no possible redress, now we have the Volgo Balt 199. But crying or criticising is no good when people don't want to understand. The people who employed the 12 seafarers and sent them to their death in a coffin to make money, cannot be called employers; they are killers. And the authorities who allow them to operate, the people who assist them to operate under offshore companies, the people who inspect the vessel and let it go, and the people who observe all this passively are just as responsible for this tragedy as the so-called employer.

I was stunned when I watched a meteorologist explaining how a whirlpool caused the Volgo Balt accident.

We saw how our friends died trying to save the seafarers. To say they died because of a whirlpool, is like saying they were kidnapped by aliens. Our brother captain Cemil Ozben died a few weeks before his retirement. He died trying, successfully, to prove that it is not possible to rescue this kind of boat. We, seafarers, are isolated from the world. When a maritime case is heard, people talk as if we were on another planet. No authority has admitted to a lack of coordination or to any mistakes.

While relatives of the deceased were dealing with funerals, our minister Binali Yildirim said that "Seafarers say farewell to each other before sailing and this is the nature of maritime". He also paid tribute by calling them heroes.... It is a pity that no-one thought of this when they removed maritime from the list of sectors at risk from fatigue in 2008.

Salih Orakci, coast guard general director, chose to pass the buck to the deceased saying: "There is no organisational liability; I do not threaten them with dismissal. They had the authority and were responsible. But they are not guilty, I don't let anyone accuse them; they are heroes!" The first rescue team tried three times but didn't manage to save the Volgo Balt 199 crew; although they had sent reports of the situation, the ministry authorities urged the second team to go out. If nothing changes at an institutional level we will continue to commemorate dead seafarers as heroes. Of course, we are waiting for the answers: Is the type of rescue boat fit for purpose? Why did the engine stop? Will the authorities ever accept responsibility and admit their mistakes? When will we recognise the value of our seafarers while they're still alive?

FIRST VICE PRESIDENT OF THE SEAFARERS' UNION OF RUSSIA
IGOR KOVALCHUK LOOKS AT THE IMPLICATIONS FOR THE
REGION OF RUSSIA'S RATIFICATION OF THE MLC, 2006

MARITIME LABOUR CONVENTION 2006 A NEW CHANCE FOR SEAFARERS IN THE BLACK SEA REGION

August 20 2012 has become a landmark in the history of merchant shipping. The Maritime Labour Convention, 2006 (MLC) was ratified by 30 countries reaching the threshold required for entry into force. Everyone in the maritime industry had been waiting for this momentous event. All were interested to find out which country would be the one whose ratification would make it a reality. In fact there were two such countries: Russia and the Philippines submitted their ratifications to the International Labour Organization (ILO) on the same day. Twelve months after that date, the MLC terms and conditions will come into force and, we anticipate, they will become a nightmare for unscrupulous shipowners.

Persistence pays off

At long last we can see the results of years and years of striving by the ITF and maritime trade unions. When the ILO first started to develop the general principles and to draft the text of the MLC no-one could be certain of the Convention's success. We had arguments with shipowners on literally every paragraph. We know this first-hand since officers of the Seafarers' Union of Russia (SUR) took part in the 'High-Level Group' working on the text of the MLC. Mr. Igor Pavlov, who was at that time SUR president, was one of the workers' representatives at the Special Conference of the ILO which adopted the MLC in February 2006.

It can be said that it was the persistence of the ITF which coordinated and led the seafarers' delegation, with assistance of specialists from the unions, that made it possible to create a document that can rightfully be called A Seafarers' Bill of Rights.

Soon after the MLC was adopted, Russia began to work on preparation for ratifying the Convention. It should be said that not every ILO Convention has attracted such a degree of attention from the Russian Ministry of Transport. A special committee was created under the direction of the Ministry of Transport, which includes a representative from the SUR. The committee's task was to review the Russian legislation and then to prepare a draft federal law on the ratification of the MLC.

Russia: a proactive approach

The government's active work comes as no surprise as the MLC includes a new concept for ILO conventions, the one concerning enforcement. This includes the principle of 'no more favourable treatment' - a concept that prevents vessels flying flags of countries that have not ratified the MLC from enjoying an unfair advantage over flag states who have, and ensures a level playing field for the industry. In practice this means that in the Black Sea area, where the MLC has been ratified by Russia and Bulgaria, all vessels calling in Russian and Bulgarian ports will have to comply with the MLC's requirements.

As yet Russian legislation has not been adapted to comply with the MLC, nor has it established MLC procedures. First the 'competent authorities' (the ministry or department with the authority to issue and enforce instructions and regulations in relation to the MLC) and the 'recognised organisations' (organisations to whom the competent authorities have delegated certain functions such as inspection and/or certification - this could be for example classification societies) must be determined. This work is just about to start, the Ministry of Transport is organising a tripartite committee where the SUR hopes to be able to promote the best possible standards for seafarers.



BLACK SEA OF SHAME LAUNCH OF A CAMPAIGN

URAL ÇAĞIRICI, CHAIRMAN, MARINE EMPLOYEES' SOLIDARITY ASSOCIATION, DAD-DER EXPLAINS WHY MARITIME UNIONS IN THE BLACK SEA HAVE DECIDED TO TAKE A STAND AGAINST SUBSTANDARD SHIPPING

Although located to the east of Europe, the characteristics of the shipping market in the Black Sea region have more in common with Africa than with Europe. A large number of small, old coasters determine the conditions. Competition for profit, thanks to thousands of vessels over 30 years old knocks down the freight rates and, at the same time, drags down the standards to the lowest level possible.

Substandard shipping creates its own rules with fake shipping companies, fake insurance companies and fake paper work. When it comes to port state control officers, they simply don't have the capacity to handle that amount of hard work. Regardless of their individual will or capabilities, no PSC officer in the world can deal with a hundred vessels with a risk factor around a hundred all in their area at the same time. To avoid getting into serious trouble, they prepare their own visit list which usually consists of the best vessels in their port and very rarely includes the worst examples. It must be said, they have no chance to deal with such problems on their own. Like everyone, they have to get through the day. A systemic problem cannot be solved by individuals alone, but only through regulated structures of governance.

Currently every single vessel is registered to separate off-shore companies to enable the shipowner to disappear easily, whilst leaving his or her other vessels unaffected. This happens especially when a vessel runs aground, sinks or meets with an expensive environmental accident. The vessels

themselves are worth very little. Most of them risk abandonment just when the date of expiry comes around for the ship's certificates. Certification costs, special survey costs, charges for docking and structural repairs soon bring certain shipowners to the calculation that if they keep trading without paying the crew or the bunker suppliers just before the next special survey, then they may earn more by abandoning the vessel instead of going into dock. In such cases these months immediately before abandonment are the worst ever for seafarers. The bare minimum is provided in terms of provisions, water, spare parts, medical care - all the essential services start to dry up. Then it becomes a game for the owner to get as much freight as possible without paying a penny to anyone before disappearing. And the seafarers usually tolerate it, because it's only a little bit worse than usual! They are accustomed to keep on sailing, applying tender loving care to worn out engines. They are used to delayed wages (some even wait to get all at the end of their contract just before going home) and surviving on poor food. In most cases there's no social security, not even any P&I coverage since there is no logic for a club to include rust buckets in their pool at an affordable price.

The next problem concerns river vessels, as the rivers freeze in winter they go down to the Black Sea. Although it is dangerous and they are not permitted to sail in open waters, they somehow manage to ply their trade

causing freight rates to drop to even lower levels. This results in a knock-on effect enlarging the trading area to the Mediterranean and creating a negative impact on the market there as well.

Even if the market does not change, people from the region will continue to work on board these vessels because of the difficulty in finding alternative employment. Whatever the risk, the shipowner's offer of work always finds a taker due to the desperation of the people.

The unfortunate cycle between low freight rates and a substandard industry must change. Without applying the, "what comes first, the chicken or the egg" principle, someone has to do something, and in practical terms the solution must be to apply international rules to the vessels.

The ITF is calling on all administrations in the region to do their job and take their responsibilities seriously. We ask each state in the region not to allow vessels to put their waters at risk without proper guarantees. We call on PSC officers in each port to carry out thorough inspections of vessels in line with international standards.

The rules to which countries of the region have already signed up must be applied in practice not just in word. The shameful conditions in the Black Sea can no longer be acceptable, this is a call to break the cycle and be part of a quality industry.

➡ Responsibility for implementation

The parties involved are discussing who will be responsible for the implementation of the MLC in Russia. In early October, we participated in a seminar organised by the Russian Register of Shipping attended by representatives of many shipping and crewing companies. The Register is one of the main contenders to take on the task of examining shipowners' compliance with the labour standards in maritime shipping. It has already introduced a voluntary inspection programme. In doing so the Register provided training for its inspectors in maritime labour standards involving SUR officers as well as instructors from maritime colleges.

Inspections in Russian ports

Inspection of vessels visiting Russian ports is an interesting issue. Traditionally it has been done by PSC inspectors who are part of the maritime administration of the port. However, we have not heard of any systematic training of these inspectors in connection with MLC. The other governmental body, the Federal Labour and Employment Service, which carries out labour inspections does not have branches in all ports of Russia. In the current situation SUR is exploring the possibility of becoming a 'Recognised Organisation' itself as far as MLC compliance of vessels is concerned, since SUR has a network of inspectors in practically all Russian ports.

In order to give some impetus to the implementation of the MLC, on 10 December 2012, the SUR hosted a tripartite conference in Moscow with a view to determining the position of the Russian government, shipowners and trade unions on compliance with Russian law and the MLC and to clarify similarities and differences of opinion. Senior representatives of ITF, the International Maritime Employers' Council (IMEC) and the ILO participated in the conference.

Whilst Russian legislation generally complies with or is substantially equivalent to the MLC, certain amendments still have to be made. A proforma contract of employment

for seafarers on Russian vessels should be developed as well as a procedure for on-board complaint handling.

Another problem is the fact that in Russia the various norms relating to seafarers' labour conditions are distributed through a wide array of different laws and regulations. Even a legal specialist would find it difficult to navigate a way through them, whereas for a seafarer the task is virtually impossible. This is why SUR is proposing that the government should adopt a special law on the specifics of seafarers' work which should incorporate all norms arising from the MLC.

We hope that eventually all the necessary decisions will be taken and that next August we may see the first results of the implementation of the MLC. This means that all vessels calling at Russian ports will have to be inspected for compliance and crewmembers will be able to make use of the on-shore complaint handling procedure.

Improving seafarers' labour conditions

A new situation will emerge whereby inspections for compliance with MLC in Russian and Bulgarian ports will be the engine for improving seafarers' labour conditions. It is hoped that this will also speed up ratification of the MLC in other countries in the Black Sea area.

In any event we are convinced that the substandard shipping in the region which is so widespread today will substantially decrease.

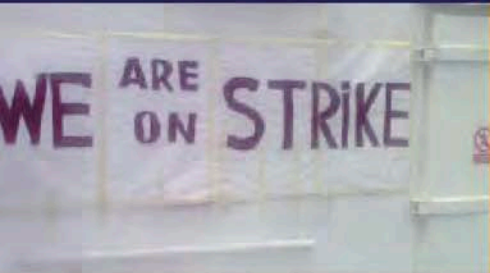
At the centre of the web of relationships relating to the MLC is the seafarer. He who wants to have his rights protected, must know them and insist that they are respected. Therefore it is vital to make the widest, clearest and most comprehensive explanation of the MLC to seafarers. If seafarers do not insist on respecting their rights themselves, no conventions and no laws can be a panacea. The importance of seafarers becoming active themselves cannot be underestimated. If at the time of employment a crewing agent tries to make you pay for crewing services, if you have no written employment contract, or none is given to you, if there is no collective agreement on board, if the accommodation conditions or food on board are unsatisfactory, if your wages or overtime are not paid fully or on time, or any other cases in which you think your rights are being violated, make use of the on-board complaints procedure. If you are not satisfied with the results, you can make use of the on-shore complaints handling procedure. In addition, seafarers should always bring problems to the attention of their unions or to an ITF inspector in the port of call.

We can only protect your lives, your health and your decent working and payment conditions by working together.

To order a copy of 'A Seafarers' Bill of Rights: an ITF Guide for Seafarers to the ILO Maritime Labour Convention, 2006 go to:

www.itfglobal.org/infocentre/pubs.cfm/detail/23556

“
A new situation will emerge whereby inspections for compliance with MLC in Russian and Bulgarian ports will be the engine for improving seafarers' labour conditions”



WE ARE ON STRIKE

THINKING OF TAKING INDUSTRIAL ACTION? Read this first!

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

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

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

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

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

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

Whatever you choose to do, talk to local ITF representatives before you do anything. Working together, we can win the battle for justice and basic rights.



BULGARIA

Labour legislation in Bulgaria is dealt with by the Labour Code of the Republic of Bulgaria. There is no special maritime labour law. Seafarers' labour rights are covered by acts in secondary legislation.

In the specialised maritime legislation of Bulgaria there are provisions regulating the work of sailors but they do not apply to labour standards. According to the last changes of the Merchant Shipping Code of Bulgaria 25 per cent of the crew must be Bulgarians if the flag of the vessel is Bulgarian.

The process of synchronisation of the local legislation and MLC-2006 requirements is currently underway.

The main changes regarding the MLC 2006 convention are two acts of secondary legislation based on the Merchant Shipping Code. The changes are related to the rights and obligations of inspectors during port state and flag state control inspections which are set out in Title 5.5 of MLC 2006 convention.

ROMANIA

Romania, as a European country, has good legislation regarding respect for basic seafarers rights and recovery of crew's unpaid wages in Romanian ports. Romanian authorities have to respect the right to strike of seafarers if living and working conditions on board are inadequate or wages unpaid.

Industrial action can be taken following legal steps informing the authorities (harbour master, immigration police, agent, ITF representative) of the start date of the industrial action, the problems and expected results. In addition safety on board of the vessel has to be maintained. All information has to be put in writing, signed by the crew and registered with the authorities.

It is very important that the seafarers have a copy of all the paperwork with the registration number from the authorities. In all their cases the ITF representative should be informed about all these steps.

In case of abandonment or unpaid salaries, a lawyer can be appointed recommended by ITF inspector. Legal actions do not normally take more than nine months. Seafarers, in such situations, should always take action together with the whole crew.

RUSSIA

Russian authorities including police and immigration do not have the right to intervene in any labour dispute on board foreign flag vessels.

We always suggest that you call your actions 'protest actions' to avoid using the word strike. This is better for protecting your rights and allows us to assist you. As slave labour is prohibited in Russia, any action taken to recover your wages will be considered legal. Solidarity strikes are not permitted under Russian legislation.

TURKEY

New legislation was enacted on 7 November 2012 concerning the right of unions to organise by sector. Twenty seven sectors have been reduced to 20 with Sector 15 covering 'Transport' (civil aviation, road transport, railways) and Sector 16 covering 'Ship Building, Maritime Transport & Port Facilities & Storage'. Legal strikes are only permitted when CBA negotiations hit a blockage and processes for arbitration fail. In practice this means a 9-month process. Solidarity actions are illegal and no more than four workers permitted on a picket line. After 15 January 2013, unions will need to organise at least 1 per cent of a sector to gain the right to negotiate, rising to 2 per cent in July 2016 and 3 per cent in July 2018.

UKRAINE

The Ministry of Social Policy is changing the Licence Agreement for recruitment and placement agencies in Ukraine, which will influence the process for providing recruitment services for seafarers. The Ministry is increasing the number of inspections which may make additional obstacles to proper crewing services delivery.

ITF AFFILIATED BLACK SEA MARITIME UNIONS & INSPECTORS

BULGARIA

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Varna 9000
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Fax: +359 (0) 52 635450
Email: stunion@vama.net
www.seafarers-tu-bg.com

Federation of Transport Unions in Bulgaria
106 Maria Louiza Boulevard
Sofia 1233
Tel: +359 (0) 29318001/5124
Fax: +359 (0) 2 8317124
Email: ftub@abv.bg
www.stsb.bg

Federation of Transport Workers
Angel Kanchev 2
1000 Sofia

Seamen's Syndicate
17 Panaguriste Street
Varna 9000
Tel: +359 (0) 52 683558
Fax: +359 (0) 52 60114
Email: ssb@navbul.com
www.ssbvarna.org

GEORGIA

Georgian Seafarers' Union
101 Gorgasali Str
Batumi
Tel: +995 (0) 422 273920
Fax: +995 (0) 422 273920
Email: gsu@gol.ge/gsubatumi@gol.ge

ROMANIA

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Portuare (FNSP)
Incinta Port Constanta
Cladire Bursa Noua
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Constanta
Tel: +40 (0) 241 601081
Fax: +40 (0) 241 601081
fedsindport@yahoo.com
www.fnspsc.ro

Federatia Sindicala Nationala
"Navigatorul"
Str. Mendeleev No. 36-38
Bucharest 010366
Tel: +40 (0) 21 3168040
Fax: +40 (0) 21 3168040
Email: fsnm1991@yahoo.co.uk/fsnm1991@hotmail.com
www.fsnm1991.com

Romanian Seafarers' Free Union
Sindicatul Liber al Navigatorilor, Incinta
Port Constanta,
Cladire Bursa Noua,
Constanta COD 900900
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Fax: +40 (0) 241 616915
Email: sin.itf@xnet.ro/sin@sin.org.ro

RUSSIA

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PO Box 61, Moscow 125315
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Fax: +7 (0) 495 9561652
Email: fr@sur.ru
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Seafarers & Maritime
Workers' Union of
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Tel: +7 (0) 812 3158248
Fax: +7 (0) 812 3158248
Email: smwuw@gmail.ru

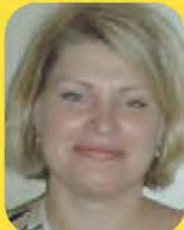
Dockers of Russia
Room 2, Dvinskaya Street 11
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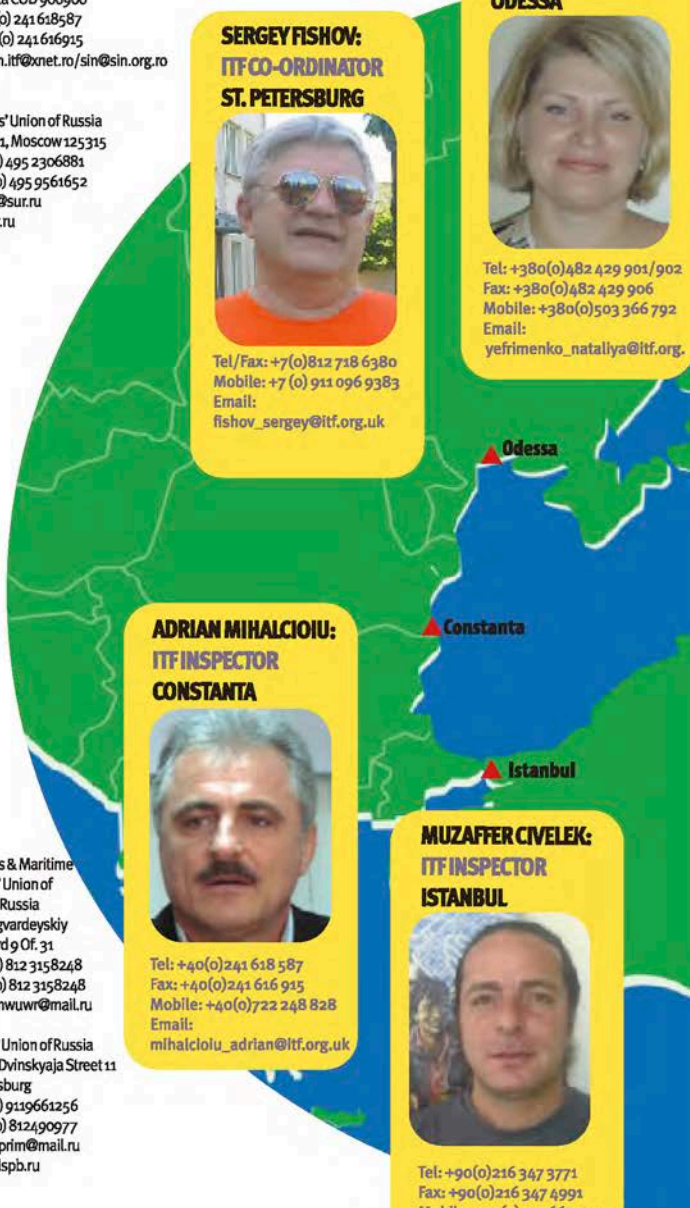


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Workers' Union
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Fax: +7 (0) 495 9388385
Email: bfish@universal.ru

National Port & Land Stevedores Union of
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06430 Sıhhiye
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Email: info@limanis.org.tr

Türkiye Denizciler Sendikası (TDS)
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Denizciler Sok
Denizcilerie Merkezi
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Fax: +90 (0) 212 2933938
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UKRAINE

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Fax: +90 (0) 216 4945168
Email: info@dadder.org
www.dadder.org



MLC, 2006 FACTFILE: EMPLOYMENT CONTRACTS

One of the most important clauses in the MLC requires shipowners to provide you with a fair, clear contract setting out the terms and conditions of your employment. You must make sure you understand it, have a signed original to keep and there must always be a copy on board. The contract must be signed by you and by the shipowner or the person responsible for fulfilling the shipowners' side of the agreement so that they can be held accountable at all times.

Here's a checklist of items that must be included in your employment agreement (which can be a collective bargaining agreement CBA):

- Your full name, date of birth/age, & place of birth
- Shipowners' name & address
- Place & date where the contract was signed
- Your position on board
- Your wages & how they are calculated
- Amount of paid annual leave
- Conditions for termination of contract, including notice period if applicable or expiry date for a fixed term contract
- Destination port if the contract is for a specific voyage
- Health & social security benefits provided by the shipowner
- Details of your repatriation entitlements
- Reference to any applicable collective bargaining agreement
- Any other details required by national law

ODESSA SEMINAR BEARS FRUIT

Ukrainian maritime industry comes round to the Maritime Labour Convention, 2006

In July 2012, the Marine Transport Workers' Trade Union of Ukraine (MTWTU), the International Labour Organization (ILO) and ITF organised a seminar to look at the likely impact of the MLC 2006 on recruitment and placement in Ukraine.

Around 50 participants from local companies and agencies listened and debated the issues and finally agreed to a statement under the heading of 'The Odessa Accord'. Cleopatra Doumbia-Henry, ILO director of labour standards and passionate advocate of the MLC was pleased with the outcome which she considered to represent a shift in views on the part of a significant number of agents to a more positive view on ratification in the Ukraine.

The Odessa Accord was delivered to the Ministry of Labour the following day by Ms. Doumbia-Henry who also held constructive meetings with the Employers' Federation and the two Trade Union Federations.

After the seminar MTWTU representatives found themselves busy with interviews, holding meetings, giving comments to different newspapers and providing information to encourage immediate ratification of MLC in Ukraine.

After the meeting and delivery of the Odessa Accord it seems the Ukrainian Government had a change of heart and MTWTU representatives were invited to the meeting organised by Ministry of Social Policy in Kiev together with social partners and maritime community repre-

sentatives. However although there is now a willingness to engage, the way ahead is not without challenges. During the meeting the Ministry of Infrastructure declared that all articles under MLC regarding safety of shipping are already fulfilled under the Manila amendments to STCW adopted by Ukraine, the Ministry of Social Policy stated that their Ministry will aim to cover all social requirements but definitely need more time to make detailed research and gap analysis, and the Ministry of Economy stated that proper calculation of governmental expenses must be made and before that clear figures must be available.

Representatives from the union side emphasised the real necessity in ratification of MLC and their readiness to provide all proper support and assistance. However, some in the maritime community, including some so-called 'national ship owners' representatives' as well as yellow unions and crewing agencies under Greek owners (who rightly fear that they will no longer be able charge fees to seafarers when MLC is in force) were absolutely against MLC. Instead, they sought to blame the unions for assisting in market globalisation. It can be said that as a result of the meeting the unions' representatives were able to engage in more open and productive dialogue with social partners, but the process still seems to be long term and perhaps less effective than in other Black Sea countries.



THE ODESSA ACCORD

We, the participants at the Seminar on Recruitment and Placement of Seafarers under the Maritime Labour Convention, 2006 (MLC, 2006), held in Odessa on 24 July 2012, representing the major recruitment and placement services in Ukraine, trade unions (national as well as international) and shipowners/employers, hereby agree on the importance of the MLC, 2006 and consider that its ratification by Ukraine should be examined by the government as a matter of urgency. For this reason we wish to highlight the following:

There are currently approximately 70,000 Ukrainian seafarers working on board foreign flagged ships, who make a substantially critical contribution to the GDP of Ukraine

The MLC, 2006 is considered to be a "Bill of Rights" for seafarers and provides a level playing field for shipowners in view of the "no more favourable treatment" clause contained in the Convention

The MLC, 2006 has now reached the requisite level of ratification to enable it to come into force in 2013

We recognise the fact that in order to ensure Ukrainian seafarers are able to maintain employment and enhance their employability, the ratification of the MLC, 2006 is indispensable

We are therefore concerned that by not ratifying the Convention, Ukrainian seafarers and the Ukrainian maritime industry will be severely disadvantaged, and that Ukraine will lose its current fourth place in the international labour market for seafarers

In light of the above, we would like to convey our strong support for the ratification of the MLC, 2006 by Ukraine as a matter of urgency. We understand that a national tripartite board was established in 2010 to this end, but that it has recently fallen dormant. Thus, we urge you to undertake the necessary action in order to reconvene this important body so that the tripartite constituents can play their part in expediting the process of ratification and implementation.

We understand that the International Labour Organisation stands ready to continue to support the tripartite constituents of Ukraine to move this work forward so that Ukraine can be in a position to ratify the MLC, 2006 before the Convention enters into force.

The maritime world is evolving, and we urge you to maintain Ukraine's preeminent position as a credible supplier of quality seafarers.

MLC, 2006 FACTFILE: CREWING AGENTS

Under the MLC you should have access to an efficient, well-regulated system of recruitment & placement.

It's the shipowner's responsibility to make sure that the agencies they use comply with the MLC requirements. If they don't, the shipowner risks getting into trouble with port state control officers who are responsible for enforcement of the MLC.

Under the MLC, crewing agents cannot charge you directly or indirectly for a placement nor can they keep a seafarer blacklist.

How to recognise an acceptable crewing agent? Reliable agents will:

- Keep an up-to-date register of all their seafarer placements
- Keep up-to-date lists of ships and company contact details where their seafarers are placed
- Inform you of your rights & duties under an employment agreement and give you enough time to examine it before you sign up
- Give you a copy of the employment agreement
- Make sure their agreements comply with applicable national laws and CBAs
- Check your qualifications for the job
- Make sure that the shipowners and companies they work with are financially secure so that you don't get stranded in a foreign port
- Have an effective complaints procedure in place
- Have insurance in case they need to compensate you for any failure to meet their obligations or those of the shipowner on whose vessel they have placed you



THE SEAFARERS' CHARTER

WHAT YOU CAN EXPECT FROM ITF UNIONS

ITF collective bargaining agreements are legally binding contracts negotiated between shipping companies and ITF unions that set minimum employment standards on board.

Signing an ITF agreement binds the union and the employer to commit to give the seafarers employed on the ship a minimum level of pay and other working conditions.

Union pledge to seafarers

In 2010, ITF unions adopted the seafarers' charter policy, committing to fulfil certain responsibilities to the crew members on board ITF-covered vessels.

Some seafarers are not union members in their own country, but under ITF agreements they still enjoy union protection.

Under the new policy, the ITF union signing an agreement on a flag of convenience ship must provide certain benefits and support to the seafarers that are covered by the agreement.

Your entitlements

Union membership card: The union will provide you with an appropriate form of membership card. It is important for you to have proof that you are a member of the union and for the union to know who you are and how best to get in contact with you.

ANNA LLEWELLYN
highlights the features
of the ITF Seafarer's
Charter for crew on ITF
covered vessels.

Union publication: The union will also provide you with a newsletter, journal or magazine, so that you can keep up to date with the union's activities and other developments.

Contacts directory: You will also receive contact details of your union officials, either in the form of a contacts directory or included in the membership card and/or the union publication.

Assistance with claims: If you have any claims the union will assist you with that claim. Whatever the problem, if you have a claim under the collective agreement, the union will support and assist you. This is one of the most important things that a union can do for its members and one of the biggest benefits of being a union member.

Participatory rights: The union should give all the seafarers they represent the chance to participate in the affairs of the union. This involvement will reflect the special nature of their membership and the level of participation

will depend on the circumstances.

Ship visits: Where possible, the union will send a representative to visit the ship, to see if the crew are doing OK. Of course, in some cases, depending on the trade pattern of the vessel and the location of the union itself, this may not be possible. But in those cases one of the ITF's worldwide inspectors will be able to visit the ship on behalf of the union.

Shared responsibilities: The union is often in the country of the ship's owner but many seafarers are members of the union in their own countries. There is now an agreement between these unions to share the responsibility of representing seafarers covered by an ITF agreement, this situation is covered under the bilateral arrangements guidelines.

The unions will decide which of them is responsible for the duties laid out above; this is recorded in a bilateral arrangement and the ITF is kept informed of any changes.

If the union is unable to assist you, for any reason, the ITF can provide assistance in liaison with the union through its inspectorate network.

The charter came into force on 1 January 2012 but unions have until 1 January 2014 to meet the standards fully.



ON THE RADAR CREWING AGENTS

THE MARITIME LABOUR CONVENTION (MLC) AIMS TO RAISE THE STANDARDS OF SEAFARERS' LIVING AND WORKING CONDITIONS. ALL THE MAJOR FLAG STATES HAVE ALREADY SIGNED UP AND THE MLC IS EXPECTED TO COME INTO FORCE SOON.

THE MLC STATES THAT ALL PRIVATE CREWING AGENCIES MUST BE REGULATED AND PROVIDE AN EFFICIENT, ADEQUATE AND ACCOUNTABLE SERVICE THAT PROTECTS AND PROMOTES YOUR EMPLOYMENT RIGHTS.

IN PARTICULAR IT IS PROHIBITED TO:

■ CHARGE FEES TO SEAFARERS FOR FINDING POSITIONS ON BOARD;

■ MAKE ILLEGAL DEDUCTIONS FROM WAGES;

■ CREATE SEAFARER BLACKLISTS.

SHIPOWNERS MUST MAKE SURE THEY USE CREWING AGENTS THAT MEET THE MINIMUM STANDARDS OF THE CONVENTION.

THE ITF IS CARRYING OUT RESEARCH INTO CURRENT EMPLOYMENT PRACTICE. IF YOU HAVE OR HAVE PREVIOUSLY HAD PROBLEMS WITH CREWING AGENTS, WE'D LIKE TO HEAR FROM YOU.

EMAIL CrewingAlert@itf.org.uk

VISIT www.itfseafarers.org

MLC, 2006 FACTFILE: WAGES

Other than making reference to the ILO recommended minimum wage for able seafarers, the MLC, 2006 does not set out how much you should be paid. What it does do is specify when and how you should be paid.

You have the right to be paid regularly and in full at least monthly. You must be paid in accordance with your employment agreement or CBA.

Your employer must give you a monthly account setting out payments due and amounts paid, including wages and any additional payments and any applicable rate of exchange.

Basic pay or wages means pay for normal hours of work - normally no more than 8 hours/day, 48 hours/week.

The International Labour Organization (ILO) recommended minimum wage for able seafarers is based on a formula that takes into consideration changes in the cost of living and exchange rates against the US dollar. A two-year agreement was last reached by the Joint Maritime Commission in April 2011. From January 2013 the amount will be US\$568/month rising to US\$585 on 31 December 2013. The ITF and International Shipping Federation (ISF) then agree an extrapolation to cover all ranks.

See www.itfseafarers.org/ILO for more details and updates.

If you are required to work more than your basic hours you should get paid overtime at a rate of at least 1.25 x basic rate. Overtime records should be kept by the captain and endorsed by you at least monthly. If you have to work on a specified day of rest or public holiday then you should be entitled to overtime pay or time off in lieu.

Your employer must ensure that you can send money home without unreasonable charges and at a rate of exchange that is not unfavourable to you.



UNIONS what's the point?

OPINION

GENERAL SECRETARY OF THE ROMANIAN SEAFARERS' UNION AUREL STOICA, SETS OUT WHY JOINING AN ITF AFFILIATED UNION MAKES GOOD SENSE

What is a Seafarers' Union?

A Seafarers' Union is a maritime workers' organisation which represents, protects and promotes the rights and interests of its members especially regarding wages and living and working conditions on board.

To satisfy seafarers' requirements, the union must be independent of political influence, owners and crewing agencies. It should have a democratic structure to give members the chance to freely express their point of view.

A powerful representative union benefits the membership by negotiating collective bargaining agreements applicable on board vessels, takes real legislative initiatives, and organises solidarity activities.

Why be a union member?

- For a better protection and a fair treatment on board
- To maintain job security
- To improve safety in the work place
- For better wages and respect for seafarers' rights
- For social protection

What do Unions do?

- Unions provide legal advice, real protection for seafarers, action to organise strikes, demonstrations and other actions for the benefit of members.
 - Unions negotiate conditions of members' employment contracts including wages, accommodation, food, working and resting hours and insurance in case of accidents/death.
- Seafarers must know that whatever the rank they have on board, at any moment they may need the support of their union. The more members the greater the power of the union for its members!

What should a union member know?

- Union members should expect to pay membership fees to ensure the financial independence of the union. This fee is established by the union leadership and may be paid monthly or annually.
- Look out for so-called 'yellow' trade unions that are usually set up by employers to discourage seafarers from joining genuine unions.
- So-called yellow trade unions are financed by the employers and can seem attractive to workers but in fact they don't offer any real protection for the seafarer and undermine genuine trade union activity.

SOCIAL SECURITY

WHY IT'S IMPORTANT



OLEG GRYGORIUK
 FIRST VICE CHAIRMAN
 OF THE MARINE
 TRANSPORT
 WORKERS' TRADE
 UNION OF UKRAINE
 CONSIDERS THE
 SITUATION OF
 UKRAINIAN SEAFARERS

These days social security in Ukraine for seafarers working on foreign flagged vessels is not well regulated. Ukrainian seafarers and their family members are eligible for free governmental social security systems, along with all other categories of worker in Ukraine. This includes medical assistance and other kinds of social support. Unfortunately, however, these benefits are of a low 'soviet' level and apparently 'free of charge' social benefits promoted by the governments can be subject to electoral campaigns and political populism. In 2006 the article establishing the 183 days principle (whereby tax status was based on presence in the country for more than 183 days/year) was deleted from the Ukrainian tax code, giving all Ukrainian seafarers the status of 'non-residents'. Seafarers don't contribute to the national economy and there is no government instrument to allow for the collection of tax from them. MTWTU is in favour of bringing back the 183 days clause in the tax code for Ukrainians seafarers. The reason for this position is to avoid discrimination against Ukrainians working in mixed crews, for example, with Russians, since Russian legislation still applies this principle of 183 days. Unfortunately, Ukrainian seafarers when reaching pensionable age are unable to apply for a decent level of pension, and the best case scenario is a minimal Ukrainian pension which is extremely small. This happens because there is no official employment, the working life is not recognised by the Ukrainian Government since no payments have been made in respect of government taxes. Young, enthusiastic seafarers with an interest in developing their careers are rarely attracted to non-governmental pension programs.

“
Ukrainian seafarers have no trust in private or non-governmental pension funds.”

Ukrainian seafarers have no trust in private or non-governmental pension funds. It is hard to gauge the effectiveness or otherwise of non-governmental pension funds since personal savings are collected and should accumulate income linked to the national currency, which is itself unstable. It is possible to get less than you invested 10 years ago, so it's not surprising that this alternative to governmental pension programs is not popular among Ukrainians, as they can't trust the long term perspective.

There is no doubt that thinking of the future is a necessity that's hard to recognise when you're young but will become very important when a seafarer reaches middle age. Personal savings and a plan to give you security in your old age must become a priority for every seafarer.

When we talk about the government system of pension and social benefits, the shore based workers – dockers and port workers are in a better position, than seafarers. While the seafarer is working on a foreign flagged vessel for a period of six months, getting a better salary and some on-board benefits, the docker is working all year round and makes contributions on a monthly basis to governmental social funds. So the shore based worker accrues 25-30 years of working experience and can count on a properly calculated pension. Shore based workers are covered by national legislation as well as by national requirements on safety and property stipulated working practices. The local union organisation at the enterprise can give advice and different types of assistance, including social security. Seafarers, due to the specific working conditions, don't have immediate access to the union. For this reason the ITF established the ITF worldwide inspectorate so every seafarer who is a member of an ITF-affiliated union can receive proper support and get in touch with the union he belongs to.

The reality is that in Ukraine, and more or less in all the Black Sea region, social security for seafarers is promoted and delivered effectively by those who are really interested in safety and security of their seafarers – the unions. The union is the organisation, which embraces workers and protects their interests in front of the employers. All the labour disputes arising between the ship owner and their employee are subject to negotiations conducted by the union, but the involvement of the union is possible only when the seafarer is already a member of this union.



DO YOU NEED HELP?

Get in touch with the ITF by contacting one of our inspectors (see the list on pages 10-11) or contact the ITF Seafarers Support Line

by email

help@itf.org.uk

by phone

+44 (0)20 7940 9285

Checklist of the minimum information that you should provide

About you:

- Name
- Rank
- Nationality
- Contact detail – telephone and/or email

About the ship:

- Name
- Flag
- IMO number
- Current location
- Number of crew and their nationalities

About the problem:

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

➔ That's why it is vital for every seafarer to become a union member. It gives a chance to gain support and assistance all over the globe. Being a member of a union enables you to have a secure, long-term relationship with ship owners and their representatives, to negotiate better working conditions, and to have your experience and abilities clearly recognised and appreciated. Being a member of the union gives you access to various social benefits and different kinds of union support.

MTWTU as a major maritime union in Ukraine embracing more than 20,000 Ukrainian seafarers, is developing a wide range of social benefits for its union members. The most popular among members are: comprehensive on-shore medical insurance, financial support in case of serious illness of seafarer and direct family members, part compensation of sanatorium and spa treatment for seafarers and their children under 18 years, additional financial support on child birth, additional financial support on burial, support for pensioners, organisation of maritime celebrations such as Fleet Day of Ukraine, New Year performances for seafarers' families and children, organisation of sports competitions, the list goes on. The lack of social security at the national level and absence of mechanisms for reasonable taxation makes the union's social benefits to its members one of the most attractive aspects of union membership.

For historic reasons in post-soviet nations union membership is difficult to promote. Another problem is that "yellow unions" confuse seafarers – it's not always clear to which union they belong and to whom they pay union fees, but it's quite clear that when problems arise seafarers come to ITF affiliates. This is because we have effective tools to help them. For Black Sea, a region with a poor economy and low freight rates – union membership is extremely important for seafarers as they frequently apply for help to unions and the ITF inspectorate in the region. To provide information to seafarers about the union MTWTU established the maritime magazine 'MORSKOY' alongside its long-running newspaper 'MORYAK' which has a history spanning more than 100 years. Both publications contain regular updates on all MTWTU activities in seafarers and dockers sections, maritime news, previews of important events in the maritime world and a lot of useful information for seafarers, dockers and their families. MTWTU has recently updated its website to be more interactive and user-friendly with detailed information about events in the life of the union and of its members.

See www.mtwtu.org.ua

MTWTU strongly believes that administering social security provisions - is a key aspect of the union's existence, it comes right after the main goal of the union movement worldwide – the protection and security of labour rights of union members.

LIFE AT SEA

WE INTERVIEWED SEAFARERS FROM THE BLACK SEA REGION TO GET A FIRST-HAND PERSPECTIVE ON LIFE AT SEA TODAY.

IN SPITE OF THE CHALLENGES, FOR MOST PEOPLE IT IS STILL A POSITIVE EXPERIENCE AND A CAREER OF WHICH TO FEEL PROUD.

Victor Mikhhalchenko, electrician, Gleb Grygoriuk, skipper and Ilya Rutchesko cadet all from Ukraine together with Nina Echimov, a deck officer from Romania share their views.

Q: Why did you become a seafarer?



Victor: When I was a puny ten-year old boy from Kuban village, I got the chance to get into a soviet summer camp, which was located on the Black Sea, near Gelendzhik. I saw the sea there for the first time, and I was lucky to get on the bridge and hold the wheel during the boat ride. Since then, I dreamed only about becoming a seafarer. Thank God, my dream came true, and for more than 30 years my profession is an integral part of my life.

Gleb: I decided to become a seafarer for several reasons. In my family I'm continuing the dynasty of seafarers which is already in the 4th generation. I live in the city of Odessa, where there are many seafarers, and there is a certain respect for this profession. Being a seafarer is also a good and reliable way to make money at a fairly young age.

Nina: I have always had a passion for the sea and for travelling so it seemed like a natural career choice for me. A six month contract at sea was my biggest life changing experience as this made me much more confident about my career choice. Also promotion prospects and possibilities to reflect my passions in my job are relevant factors for my decision.

Ilya: In my opinion, this is the only legal way of earning decent money. But in actual fact, this is not the most important thing. More important for me is that this job allows me to see the world, gain experience, and feel what it means to work hard as a real man.



Gleb

Q: Would you recommend seafaring as a profession to the next generation? If yes, why? If no, why not?

Victor: You know, it is not easy to give advice, people don't want to hear it nowadays. These days young people are pressing to join the fleet to earn money, when 30 years ago or so they were attracted by romance. There is nothing strange in that, because times and temperaments have changed. Qualified specialists are more in demand now, because all modern vessels have a lot of difficult equipment. They are crammed with different electronics, machines and mechanisms which have to be handled. In this case, when someone wants to link his fate with the marine profession, they should analyze the job and see if it matches all their abilities and desires. I can with certainty say that those who see their future in the marine fleet will have an opportunity to show and use all their skills.

Gleb: I would suggest you only become a seafarer once you are familiar with the profession and everyday life of seafarers' families, even if it's by hearsay. The choosing of a profession should be seriously considered and you should clearly understand that this job is hard in both a physical and a moral sense. However, in my opinion, this is a great choice for a man who may not have much obvious talent, but is willing and ready from a young age to provide for himself and his family. All you need is to be careful, diligently perform your duties and gain experience from day to day.



Ilya



Nina

Nina: I recommend seafaring as a profession for those who are sure that distance and stress will not affect them. But if you want to combine business with pleasure and you are passionate about travelling, this is the ideal option for you. Promotion prospects and respect gained are also relevant decision factors for this career, especially if you are ambitious and if you choose to aim as high as possible.

Ilya: More and more people among my friends nowadays decide to dedicate their lives to the sea. There is not only a chance to earn good money, see different countries and develop your career, but to meet different interesting people, and share your experience with them. The only thing is that you will be separated from the family for months, which cannot be enjoyable for anyone. My father is a captain, and it has always been hard for my mother, my brother and me to wait until dad comes home from the flight, but I am ready for that.

Q: What are the main changes you have noticed since you first went to sea?

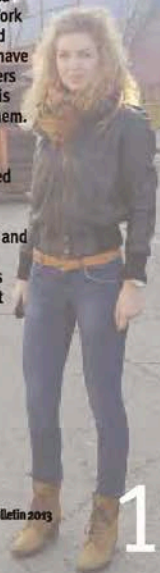
Victor: I have a dual view. On the one hand, Ukraine has lost a large fleet, which brought a great income into the treasury of the country and also provided jobs to tens of thousands of seafarers. On the other hand, our seafarers have become stronger and gained prestige among the world's marine companies, which gladly offer workplaces to our marine specialists.



Gleb

Gleb: I enjoy the work of the skipper. I like to learn and develop in a professional and personal sense: working as a skipper gives enough opportunities and time for this.

Nina: Not in vain it is said that sea strengthens you, for real it does. Work program, stress and both combined change your view of life. What you have in common with other crew members is distance from your family and this makes you get closer for some of them. For example in my voyage I met a family, wife and husband from Bulgaria, great people which helped me to get over some difficult situations. Also this job made me much more responsible, confident and flexible by working with different personalities. Risks and situations that I faced are another factors that shaped my personality.



PORTS ROUND UP

BULGARIA

Bulgaria has several commercial Black Sea port terminals located in the towns of Varna, Bourgas, Balchik, Nessebar and Sozopol. Varna has the following terminals: Varna East, Varna West, Lesport, Petrol, TEC Ezerovo/power station/ and Ferry terminal. A 30-year concession was signed on 8 June 2005 for the port "Lesport". The concessionaire is "Lesport - AD". The main shareholder (with 99 per cent) in "Lesport-AD" is Chimimport. The concession entered into force on 30 May 2006. The other terminals are operated by the government company "Port of Varna-EAD" - owned by the Ministry of Transport. The concession of the ports in Varna is under discussion but the concession procedure is not officially open. The city of Bourgas has the terminals: Bourgas East, Bourgas West, Terminal 2A and Terminal Rosentz. The state owns 100 per cent of the infrastructure and the concessionaire manages and maintains the object of concession. The concessionaire of Terminal 2A is Navibulgar. The Terminal of Rosentz is under concession of Lukoil Neftohim AD. The Terminal of Bourgas East and Bourgas West are operated by Port Bourgas-EAD owned by Ministry of Transport. The government is discussing the concession for these terminals but the procedure is open for Bourgas East only. The concessionaire in the port of Balchik is Chimimport. In the town of Nessebar there is one terminal only and the procedure for concession is going on at present. In Sozopol there is one terminal. The owner is the Ministry of Agriculture. The privatisation of the port is prohibited by the government.

ROMANIA

The Romanian maritime ports are: Constanta, Mangalia, Midia (Black Sea ports), Sulina, Tulcea, Braila, Galati (river ports), of which Constanta is the main port on the Black Sea. Privatisation of fleets and services began in 1993, by 2000 the programme was almost complete. Following privatisation in Constanta port alone over 30,000 jobs were lost out of a total of 40,000 workers. Currently the port operates with about 10,000 workers. Due to some fundamental problems faced by port workers on ships' berths in Romanian ports, protest actions are sometimes organised by dockers. Seafarers are advised that, under employment contracts and international legislation, not to undertake work that historically belongs dockers.

Access to port facilities is available to seafarers on production of personal identity documents, or those issued by the competent authority and a compulsory shore pass issued by the Romanian Border Police.

There is no public transport for seafarers in Constanta Port, but taxis do have access to the port. Welfare services for seafarers are provided by the Seamen's Club Constanta and Agigea - which provides free transport for seafarers on request.

RUSSIA

The process of privatisation of Russian ports finished some years ago and at the current time all Russian ports and terminals are private. This makes the situation with the negotiation between dockers' unions and owners difficult as the dockers have different owners in different ports or at the same port. As the terminals have different owners, access to them by union activists is difficult. Owners try to prevent union activities inside their terminals. The general agreement with the government concerning dockers only repeats the general rights of employees from the Labour Code of Russia and does not reflect the specificity of dockers' work.

From 2006 the Tuapse port branch of the Russian Dockers' Union has been operating in the JSC Tuapse Sea Merchant Port and had been in dispute over wages and conditions in their collective agreement. At the time of writing, both parties had agreed to analyse and sign the agreement, which provides guarantees to local dockers, and should be concluded in January 2013.

UKRAINE

Ukraine is right now on the threshold of adopting the Law on Maritime Ports. Under this law maritime strategic facilities such as sea ports will be open to private capital stock which may lead to privatisation. Amongst other things this may result in changes in employment relations. Often privatised ports prefer to employ casual labour with fewer rights and protections. There can be increased pressure on local union organisations and union members in ports.

The Marine Transport Workers' Trade Union of Ukraine (MTWU) provides consultations and seminars to local port organisations to share information and to learn from the experience of other unions - such as representatives of different sectors of the economy. Seminars are being organised to advise local union leaders on how to retain union members and provide guidance on effective negotiations as well as how to establish working relationships with new non-governmental owners/managers.

➔ See: www.mtwu.org.ua

20 Useful Phrases

ENGLISH

- 1 What is your name?
- 2 My name is...
- 3 What is the name of your ship?
- 4 My ship's name is...
- 5 What is your next port of call?
- 6 What is your last port of call?
- 7 I cannot understand you
- 8 Understood
- 9 Please speak slowly
- 10 Say again! / Repeat, please!
- 11 Stand by
- 12 I have a problem
- 13 I can call you later
- 14 It is urgent
- 15 What is your problem?
- 16 I have not been paid for...?
- 17 Do you have cargo on board?
- 18 Yes/No
- 19 Are you a member of the Union?
- 20 Inspector's contact number is...?

ARABIC

- 1 Ma Ismoka?
- 2 Ana Ismi...
- 3 Ma Ismo Safinatika?
- 4 Safinati hiyya...
- 5 Ila ayna tatawajjaho safinatoka?
- 6 Min ayna atat safinatoka?
- 7 Afwan, innani la afhamoka
- 8 Fahimtoka
- 9 Min fadlika, laa tatakalam bissoraat
- 10 Aaid min fadlika/aaid marratan okhra min fadlika
- 11 Isstladd illaamal
- 12 Ladayya mochkil
- 13 Sawfa atasililo bika fi waqtin lahiy
- 14 inna al amra isti'jaliiy
- 15 Ma hiyya mochkilatoka?
- 16 Innani Lam atawassal bi ajjri mundhu...
- 17 Hal ala asaffinati hamoula?/Silaa
- 18 Naam/Laa
- 19 Hal anta/ odwon fi annaqabati?
- 20 Raqmo telefon mofattichi al ITF howwa...

RUSSIAN

- 1 Kak vas zovut ?
- 2 Menya zovut...
- 3 Nazvaniye vashego sudna?
- 4 Nazvaniye moevo sudna...
- 5 Kakoy vash sleduyushij port zakhoda?
- 6 Kakoy vash poslednyi port zakhoda?
- 7 Nichego ne ponyal
- 8 Vas ponyal
- 9 Govoritye medlenneye
- 10 Povtoritye
- 11 Podozhditye
- 12 U menia jest problema
- 13 Ya mogu pozvonit pozhe
- 14 Srochno
- 15 V chem vasha problema
- 16 Skolko mesiacev vam ne platiat?
- 17 Jest li gruz na sudne?
- 18 Da/net
- 19 Vy chlen profsojuza?
- 20 Nomer Inspektora...?

TURKISH

- 1 Adınız ne?
- 2 Adım...
- 3 Geminin adı ne?
- 4 Geminin adı...
- 5 Bir sonraki limanınız neresi?
- 6 Geminin en son kalktığı liman?
- 7 Sizi anlayamıyorum
- 8 Anlaşıldı
- 9 Lütfen yavaş konuşun
- 10 Yeniden söyleyin/ Tekrar edin, lütfen!
- 11 Hatta kalın!(for phone)
- 12 Bir sorunuz var
- 13 Sizi sonra arayabilirim
- 14 Acil/Bu acil bir durum!
- 15 Sorunuz ne?
- 16 ...aydır maaşım ödenmiyor
- 17 Gemide yük var mı?
- 18 Evet/Hayır
- 19 Sendika üyesi misiniz?
- 20 Enspektörün telefon numarası...

SUDOKU

Fill in the grid so that each row, column and 3x3 box contains the numbers 1-9.

Easy

8		5	4			7	2	
4			1	2				9
	2					3		
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Medium

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		2	5	3				8
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Hard

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	2			4				8
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8			1			7		
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		6	4			3		
	5			9			4	
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Look carefully before you sign

ITF advice on your contract to work at sea

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



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

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

Check if the contract you are signing refers to a **collective bargaining agreement** (CBA). If so, make sure that you are fully aware of the terms of that CBA, and keep a copy of it along with your contract.

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

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

Always ensure that the contract clearly states the **basic wages** payable and make sure that the **basic working hours** are clearly defined (for example 40, 44 or 48 per week). The International Labour 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**.



International Transport Workers' Federation

www.itfseafarers.org