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## Grounded ship becomes Mumbai tourist attraction

LOCALS flock to Juhu Beach, Mumbai, at low tide to see the 12,724 dwt, 1985-built cargoship *Wisdom*, which was being towed from Colombo to the Alang scrapyards in Gujarat when the line parted in rough weather and the vessel drifted on to the Mumbai coastline. According

to *The Times of India*, following the grounding, police detained 15 crew members of the tug which had been contracted to take the *Wisdom* to the shipbreaking yard. Initial efforts to refloat the grounded vessel failed. (Photo: Vivek Prakash/Reuters)

## Problems found in country's training schools

# Philippines confident of keeping EU recognition

**T**HE Philippine Government says it is now confident it will be able to convince the European Union (EU) that its training and certification system will comply fully with International Maritime Organisation (IMO) standards by August. Earlier this year an inspection of the country's training establishments by the European Maritime Safety Agency (EMSA) found serious problems, which put in doubt the continuing recognition of Philippine certificates by EU member states.

The EU warned the Philippine authorities that if they had not taken action to improve their training standards by August 31 they would withdraw their certificate recognition agreement. That would mean a ban on Filipino officers sailing on EU-flag ships. The latest figures, for 2009, show 79,111 Filipino seafarers sailing on EU states' flag vessels.

The EU has already taken similar action against Georgia and the threat of a ban on Filipino seafarers is being taken seriously by European shipowners. The EMSA findings have caused considerable concern among shipowners using non-EU flags. For example, the Bahamas Shipowners' Association has issued a statement stressing that the EU move does not directly affect the Bahamas or other flag states which are not part

of the EU, and it makes the point that EU port state control should not apply the EU ruling to non-EU flag ships.

Responding to the EMSA report in mid-June, the acting secretary of the Philippine Department of Labor and Employment, Mr Danilo Cruz, said that the Maritime Training Council, the Professional Regulation Commission, the Technical Education and Skills Development Authority, and the Commission on Higher

Mr Cruz went on to say that EMSA inspectors had visited the Philippines to verify the country's compliance with the training, education and certification system required by IMO's Standards of Training, Certification and Watchkeeping (STCW) Convention.

He said the deficiencies noted during the EMSA inspection related to maritime administration, monitoring of maritime education and train-

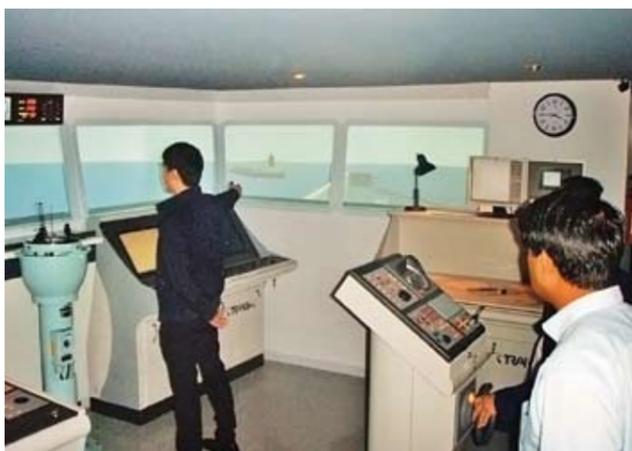
ing and competencies of our seafarers."

Industry sources expect that the Philippine authorities will withdraw the licences of some poorly performing sea schools.

The secretary general of the International Maritime Employers' Committee, Giles Heimann, said he thought the Philippines would "sort itself out".

He added: "It has been put on notice and, from the information I have, it is taking it very seriously and doing what it can to sort it out."

Meanwhile, major Japanese owner Mitsui OSK Lines (MOL) is boosting the quality of Philippine nautical training through two new initiatives. Firstly, it is to provide seatime to third-year students from seven Philippine nautical colleges. MOL describes the move as being aimed at "cultivating seafarers who support high levels of safety standards in vessel operations". And secondly, it has installed a new high-performance ship-handling simulator at its seafarer training centre on the outskirts of Manila. The centre is used for ship handling and bridge resource-management training programmes. The new Transas full-mission ship-handling simulator, with a 235-degree large-screen display, will feature MOL's in-house very large iron ore carrier handling training programme.



MOL's new high-performance ship-handling simulator at its seafarer training centre on the outskirts of Manila.

Education had been working closely and doubly hard to undertake corrective action on the deficiencies and would be submitting a report by the end of the month.

He added that they were "fully confident" that they could address the deficiencies before the end of August.

## Surge of pirate attacks off Benin

WHILE international attention has focused in recent years on Somali piracy, a serious situation is now developing off the West African coast, with the International Maritime Bureau (IMB) warning of a surge in the number of attacks near Cotonou, Benin.

The IMB says that by mid-June there had been eight attacks in the area this year, but that six of these had happened since May. Of the eight attacks, four vessels were hijacked, while pirates stole crew and ship property from a further two.

In one incident in June, heavily armed pirates hijacked a Greek tanker as it lay off Cotonou. The vessel was forced to sail to an unknown location and property belonging to both ship and crew was stolen before being abandoned.

"These attacks off West Africa are worrying," said IMB Piracy Reporting Centre manager Noel Choong, "because they seem to involve a greater degree of violence against crew than other hijackings or robberies. We also know there is a problem with under-reporting in this region."

The IMB has renewed its call for all actual, attempted or suspicious piracy and armed robbery incidents to be reported to its Piracy Reporting Centre.

More on piracy on P2

# A positive is that the attack success ratio has decreased

## Pirates keep operating in spite of the monsoon

**I**N marked contrast to previous years, this year Somali pirates are continuing to operate far out to sea during the monsoon season, which lasts roughly from the end of May to the end of August, and attacks have been attempted in much rougher weather than has been the pirates' normal practice.

The International Maritime Bureau (IMB) said that by mid-June, 154 attacks so far this year had been attributed to Somali pirates, representing 63 per cent of all pirate attacks worldwide. Of these, 21 had resulted in vessel hijackings in which at least seven crew were killed and 362 taken hostage. A total of 23 ships and 439 seafarers, were being held hostage.

According to the IMB, the recent increase in Indian Ocean incidents could either be a sign of the pirates' greater desperation, or a reflection of the fact that there are many more gangs operating now than there were in 2010, particularly outside the Gulf of Aden.

Over one weekend in June, the IMB Piracy Reporting Centre received reports of three vessels targeted in the Indian Ocean approximately 450 nautical miles east of Socotra. Two incidents took place on the same day, in almost the same position and within two hours of one another, suggesting the involvement of the same gang. A bulk carrier was fired upon first, then a chemical tanker was targeted. The

following day, a panamax bulk carrier was fired on in almost the same position.

The attacks took place in very rough seas, with winds reported to be in the region of Beaufort Force 7 and sea swells to be about 4.5 metres. The IMB noted that these were not normally conditions conducive to launching attacks from small skiffs.

One positive development is that the success ratio of hijacks to attempted attacks has decreased from one in every four and a half vessels targeted being hijacked in 2010 to one in just over seven vessels in 2011. The IMB attributes this trend to more robust naval involvement and increased ship protection measures. The number of overall attacks has,

however, risen year on year.

The IMB has advised masters to maintain a heightened status of readiness, to implement self-protection measures in accordance with Version 3 of the Best Management Practice, and to report all incidents, be they actual or attempted attacks.

While Indian Ocean attacks seem to be continuing during the monsoon period, some pirate gangs are following a pattern set last year of moving to the Gulf of Aden and the southern part of the Red Sea, where the prevailing weather conditions are not so severe.

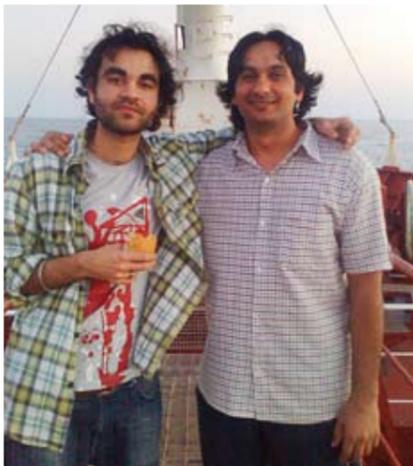
By mid-June this year there had been a surge of activity in the Red Sea, with 11 incidents taking place there since May 20.

## SOS campaign calls for government action

THE shipping industry's SOS SaveOurSeafarers anti-piracy campaign says that 62 seafarers have died in the past four years as a direct result of piracy in the Gulf of Aden and the Indian Ocean, through deliberate murder by pirates, suicide during the period of captivity, death from malnutrition and disease, death by drowning, or heart failure just after the hijacking.

In a statement, SOS said that this "shocking figure" had prompted it to give even greater emphasis to its worldwide call for government action to tackle the issue.

The SOS campaign is now backed by 24 industry organisations and has a website – [www.saveourseafarers.com](http://www.saveourseafarers.com) – which enables supporters to ask their own governments to take the steps necessary to stop the scourge of piracy at sea and ashore by: reducing the effectiveness of the easily-identifiable mother ships; authorising naval forces to hold pirates and deliver them for prosecution and punishment; increasing naval assets available in this area; providing greater protection and support for seafarers, and by tracing and prosecuting the organisers and financiers behind the criminal networks.



**DIPENDRA Rathore (left) with a colleague.**

The campaign's chairman, Giles Heimann, said that over the last four years some 3,500 seafarers had been kidnapped and held hostage by pirate gangs, who subjected them to traumas such as being used as human shields and being forced to operate their ship as a pirate mother ship under pirate control, and to extreme mental as well as physical anguish.

"Many of these seafarers," he continued, "remain traumatised and unable to return to their seafaring careers long after the hijack is over, if at all."

One of the pirates' victims, Dipendra Rathore, a 22-year-old Indian deck cadet, was held hostage for eight months on board the tanker *Merida Marguerite*. "At my age," he told SOS, "you can still bear pain ... watching people twice my age being tortured, crying and begging for help is what really measured me. I felt so bad for them but I could do nothing about it, except for praying ... and then came the time when I lost faith and stopped praying too."

SOS said that Mr Rathore had found his faith again, and was one of those who refused to let these thugs win, being determined to go back to sea. Others, added SOS, might never recover from the psychological damage and would lose their livelihood rather than go back to sea.

"It is terrible and completely unacceptable," Mr Heimann added, "that ordinary people going about their everyday work should have to encounter such horrors."

## IMO issues guidance on use of armed guards

IN recently issued interim guidance on the employment of private armed guards on ships in areas at risk from Somali pirates, the International Maritime Organisation (IMO) says it does not endorse the use of armed guards and that placing armed guards on board should only be considered after a risk assessment has been carried out. It also says it is important to involve the master in the decision-making process.

Nevertheless, the guidance is comprehensive and widely regarded as reflecting best practice in connection with the use of armed guards. It includes sections on risk assessment, selection criteria, insurance cover, command and control, management and use of weapons and ammunition at all times when on board, and rules for the

use of force as agreed between the shipowner, the private maritime security company and the master.

While using armed guards is recognised as being fraught with legal and other problems, there is an increasing acceptance of their use. So far there have been no successful hijackings of ships with armed teams on board.

Dave Heindel, chair of the International Transport Workers' Federation (ITF) seafarers' section, said that given the failure of many governments – especially the flag states – to resolutely and effectively tackle piracy at source, the ITF recognised that defence could need to be at the individual merchant ship level. "In an ideal world that's trained military personnel from the flag state. Since that is not always going to

be the case, we recognise that an alternative may be properly screened, responsible private operatives, working within the law."

However, International Maritime Bureau director Pottengal Mukundan said that pirates had increased their ability to hijack vessels further away from the Somali coast, and crews held by them were subject to physical torture and abuse. "In these difficult circumstances, shipowners should not be placed in a position where in an uncertain legal environment they are forced to put private armed security teams on board to protect their vessels. The responsibility to protect merchant ships and seafarers is that of governments."

Captain Mukundan stressed that firm action by naval forces was required to stop the attacks.



**WHILE some owners are using armed guards, other are installing sophisticated passive defence systems such as the P-Trap® (above) which creates a safety zone around the ship. The trap is a boom that is extended from the bow of a vessel on both sides. P-Trap® lines are installed on the boom which float just below the surface of the water and disable pirates' engines by trapping the propellers. The line will then break and pirate vessels will be left floating and inoperable.**

## Web-based campaign for Day of the Seafarer

THE International Maritime Organisation's (IMO) first ever Day of the Seafarer on June 25 gave people throughout the world, an opportunity to pay tribute to the world's 1.5 million seafarers for the "unique, and all-too-often overlooked, contribution they make to the well-being of all of us".

The decision to designate a special day for seafarers was taken at last year's diplomatic conference in Manila, which revised the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and its associated Code.

The centrepiece of the celebration was an innovative web-based and social media campaign, urging the public to voice their support for seafarers by using social networks such as Facebook and Twitter, posting videos on YouTube, and discussing seafarers' issues on LinkedIn.

## 'Disputes on increase in 2011'

**MUTUAL marine delay cover insurer The Strike Club expects there to be more strikes and political unrest over the course of 2011.**

**Bill Milligan, chairman and chief executive of the club's managers, warns that "unfortunately, we can only say that the outlook for 2011 is for more industrial and political unrest. Of particular concern is the question of port closures as a consequence of the anti-government protests which have erupted across the Middle East and North Africa."**

## All-in-one bridge system

A NEW bridge system, developed by the partly European Union-funded Flagship project, integrates all the key elements of navigational information, including NAVTEX messages, radar and AIS targets, into a single coherent display.

Flagship-Bridge Support is claimed to provide the officer of the watch with improved navigation information,

to speed up hazard analysis, to improve tracking accuracy and to reduce the watchkeeper's load.

Trials involving the UK-based company BMT Marine, and Greek ferry operator Minoan Lines, have proved successful, and the technology has been incorporated into SAM Electronics' NACOS (Navigation Automation Control System) fifth-generation integrated navigation and command systems and partly also into the new NACOS Platinum Generation.

## Row over call for job protection

MARK Dickinson, the leader of the Anglo-Dutch seafarers' union, Nautilus, stirred up controversy when he called for US-style maritime protectionist legislation to be applied to trade between European Union (EU) member states.

Speaking to the Parliamentary Maritime Group in the British House of Commons on the need for a coherent UK maritime policy, the Nautilus general secretary called for EU shipping routes to be protected in the same way as the Jones Act keeps US domestic shipping the preserve of American ships and seafarers. The proposal was unexpected, although the European Commission has in the past proposed regulations, rejected by the member states, to protect employment conditions and pay on ferries running between EU countries.

It is understood from informed sources that Mr Dickinson's proposals, which attracted fierce opposition from shipowning circles, have yet to be thought through in detail.

## Importance of seafarers highlighted

BRITISH-based charity Seafarers UK has commissioned a short video, *The Vanished*, in a move intended to shock viewers into understanding how dependent, as an island nation, the UK is on ships, to supply essential food, fuel and goods.

"If people open their eyes to our dependence on ships, then we can start to make them aware of seafarers, their harsh working lives, the stresses and dangers they face, and their unique need for appropriate help and support." The film can be viewed at [www.noships.com](http://www.noships.com)

# Unions and shipowners want still more safeguards New stricter lifeboat safety standards passed by IMO

**N**EW, stricter, safety standards for lifeboat release and retrieval systems, aimed at preventing accidents during lifeboat drills, have been passed by the International Maritime Organisation (IMO). The new rules will mean the checking of all release hooks, and the possible replacement of many of them, but unions and shipping industry bodies believe IMO has not gone far enough.

Lifeboat on-load release mechanisms not complying with new International Life-Saving Appliances (LSA) Code requirements will have to be replaced no later than the first scheduled dry-docking of the ship after July 1, 2014, but, in any case, not later than July 1, 2019. IMO recommends that until the checks have been carried out and non-compliant hooks replaced, fall preventer devices (FPDs) should be fitted. FPDs stop a boat dropping unintentionally, even if the hook opens, but their use will not be mandatory.

The industry and unions are worried that IMO is not insisting on FPDs in the short term and, in the long term, on the incorporation of a secondary locking system (SLS). The International Chamber of Shipping (ICS) said the SLS could be a pin that would lock everything into place and reduce the risk of vibration affecting the hook.

The ICS and other industry bodies are now working on industry guidelines for companies planning to buy lifeboat hooks to ensure that they choose ones with a secondary system, so as to pre-empt any further changes and developments. A secondary system will not, however, be mandatory under IMO regulations.

Major lifeboat manufacturer and service provider Schat-Harding told *The Sea* it would have preferred IMO and industry to have taken one set position. It would



**THE drop-in ball system invented by former deck officer Bent Nielsen.**

then have produced one hook range to meet that standard. A spokesperson added that the manufacturer also felt that making hooks more complicated increased the possibility of mechanical or human failure.

## Lifeboat deaths

TWO French officers died and a Filipino seaman was seriously injured when a davit-hoisting mechanism gave way while a lifeboat was being retrieved following a drill on the 13,300 teu French-flag containership *CMA CGM Christophe Colomb* in Yantian port, China. The vessel's master and first officer dived into the water in a bid to rescue the three men but could not save the two officers. An investigation is under way.

However, Schat-Harding said it recognised that with two different standards globally it would have to be ready to meet demand for both. It would design an optional SLS for its SeaCure LHR hook range and would then be able to supply new hooks with or without the SLS.

Meanwhile, sales of a new design of release mechanism, claimed to eliminate all known root causes of on-load release hook accidents, are said to be picking up. About 100 Nadiro Drop-In-Ball systems have now been installed on ships, mainly belonging to Maersk Line and Maersk Tankers.

The system was invented by former deck officer Bent Nielsen, who is currently director of marine standards for Maersk Tankers, and it won this year's *Seatrade Safety at Sea Award*. The system is being developed by Danish-based Nadiro, which is 80 per cent owned by AP Moller-Maersk.

The company's managing director, Esben Juul Sørensen, told *The Sea* that the drop-in-ball system was now type-approved and could be specified for new lifeboats or retrofitted into any type of existing boat.

He said the Nadiro would be slightly more expensive than just an on-load hook. However, he stressed the system's intrinsic safety, saying hooks were on-load systems that had to be kept closed against the gravity of the boat while the drop-in-ball was an off-load system that had to be forced to open when under load.

The Schat-Harding spokesperson doubted that hooks would be replaced any time soon as the standard release and retrieval system. "At present," he said, "we believe that the best and safest systems are our on-load release hooks, and crews are familiar with hooks, which improves safety."

## EU warning on port state control failure

THE European Commission (EC) has issued a "reasoned opinion" to the UK and six other member states, alleging failure to fully comply with EU port state control policy, giving them two months to come into line with the directive or face action at the European Court of Justice.

*The Sea* understands that part of the problem for the UK's Maritime and Coastguard Agency is that its surveyors are refusing to work on weekends due to a long-running pay dispute. This means that ships that should be inspected are being missed.

The EC says the UK, together with Belgium, France and Poland, have given notification only of partial measures of implementation while Cyprus, Estonia, and Portugal have failed to notify it of any measures taken to enforce the new "risk-based" ship inspection regime, despite being required to do so by December 31 last year.

## Catering lapses admitted

THE food on board AP Moller-Maersk Group's vessels had not been good enough and needed to be improved, the Danish-based shipping giant's chairman, Michael Pram Rasmussen, admitted at the company's annual general meeting.

Responding to union criticism, he said that masters' food budgets had been increased by 14 per cent, compared with last year. But he also pointed out that Maersk was in the top 25 per cent of companies in terms of their crew food budgets. He said it was "incredibly important to treat the employees on the ships properly".

## Collision masters blamed

A REPORT into last August's collision off Mumbai between the 2,314 teu *MSC Chitra* and the 42,000dwt bulker *Khalijia III* has blamed human error. The report, by India's Directorate General of Shipping, said

both ships' masters demonstrated a lack of professional competence in the navigation of their vessels in narrow waters. It recommended that both masters' certificates of competency be suspended.

However, the report also criticised the authorities for their management of traffic in the waterway.

It proposed improvements in radio links between ports, ships and pilots, and called for better pollution control measures and equipment. In response, an independent vessel traffic service is to be set up to cover the main channels to the ports of Mumbai and Jawaharlal Nehru.

## Need for bunker training

SHIPS' officers need bunker training, according to marine fuel testing company DNV Petroleum Services (DNVPS).

"We see a major problem with young seafarers working on a big ship and not knowing enough about fuel quality, bunkering procedures or proper fuel handling," says the company's Europe-based regional manager Bill Stamatoopoulos.

"Very few of them have seen how contaminated bunkers can cause the ship's engine to break down suddenly and threaten the safety of everyone on board, especially in rough weather conditions."

DNVPS has been running courses at its own expense in some training institutions but says all officers should have bunker operations training at college, as on the job training at sea is not enough.

## UN call for rescue of refugees

THE United Nations refugee agency, UNHCR, has called on the masters of vessels sailing in the Mediterranean to rescue refugees fleeing unrest in North Africa in small boats.

There have been many reports of craft sinking, with heavy loss of life. UNHCR spokesperson Melissa Fleming said "we appeal to shipmasters for heightened vigilance and for continued adherence to the long-standing maritime obligation of aiding people in distress".

## High noise levels can affect mental health

POOR ship design, and especially high noise levels, can affect the mental health of seafarers and can contribute to accidents, according to Professor Helen Sampson of the UK-based Seafarers International Research Centre. Professor Sampson said a study of Latvian seafarers had shown that noise and vibration were the two factors most likely to have a negative impact.

Speaking at the Institute of Marine Engineering, Science & Technology conference, she said "some noise constantly repeated is particularly unpleasant and can produce irritability and aggression". She also warned that there were studies which focused on the mental health effects of noise which showed that in very noisy environments people were much less likely

to be helpful to each other.

Liability insurer the UK P&I Club has also warned of the danger of high noise levels, and the high incidence of "mild to moderate" high-frequency hearing loss among engineers. It has recommended that owners continually monitor the hearing of their seagoing employees and carry out clinical examinations every eight months.

Against this background the International Maritime Organisation (IMO) is considering proposals to revise and make compulsory current non-mandatory IMO guidelines on noise. Seafarers' unions are opposing a bid to have two different sets of noise limits for ships above and below 10,000gt: the large ships would, in some areas, have lower noise limits than smaller ships.



**AN accident in the galley illustrates a potential hazard.**

## Films use shock tactics

A SERIES of ten new training films uses shock tactics in a bid to cut the number of common shipboard accidents. Videotel Marine International's training module *Hazard Series II* makes extensive use of modern imaging techniques to grab the viewer's attention and shock crew members into greater awareness of their own safety and that of their colleagues.

*Hazard Series II* was produced in association with marine insurer Standard P&I Club and was filmed using real crew doing real work. The films illustrate common errors and then show how, using correct procedures and working techniques, incidents can be avoided before they occur. Topics covered include working on deck in heavy weather, working aloft, electrical work and manual handling.

## Two rescue boat safety warnings after fatal accident

THE UK's Marine Accident Investigation Branch (MAIB) has issued two safety bulletins following the failure of a fall wire when the UK-flag car carrier *Tombarra's* rescue boat was being recovered after a routine drill. Three crew members fell nearly 29 metres into the water. One died and the two survivors suffered serious injuries.

The first safety bulletin warns of rescue boats being heavier than designed due to

water leaking into buoyancy chambers. The MAIB said that the Greek-built Watercraft rescue boat weighed 1,450kg after the accident, against its certified weight of 980kg because 14 of the 15 polyurethane-foam-filled compartments below the boat's deck had been penetrated by water.

"In view of the widespread use of foam-filled compartments in the construction of many rescue boats and fast rescue craft," the MAIB warned, "it is possible that the

problems of water ingress and retention might not be limited to just this particular model of boat."

The additional weight of the boat was not, however, suspected to have caused the accident, which was subsequently found by the MAIB to have been caused by a faulty proximity switch which failed to stop the winch when the boat reached the davit. This was the subject of their second safety bulletin.

## NEWS

## Fatigue to blame – again

FATIGUE was the main reason the Chinese-flagged bulk carrier *Shen Neng 1* ran aground on Australia's Great Barrier Reef in April last year, an inquiry has decided. The Australian Transport Safety Bureau's (ATSB) conclusion comes as researchers complete a final report on Project Horizon, the major European Union funded study of the effects of fatigue on watchkeepers.

The 70,181dwt ship's chief mate had had only two-and-a-half hours sleep in the previous 38-and-a-half hours when he made a series of errors that led to the grounding 20 minutes after he should have made a change of course. The ship was stuck for nine days, her hull was seriously damaged, with the engine room and six ballast and fuel oil tanks being breached, and two-and-a-half tonnes of fuel oil spilled. The officer had put in extra hours during cargo work because of concerns about the ballasting of the vessel, and had also subsequently supervised weighing anchor.

The investigators concluded that the officer probably thought he was doing the right thing by spending extra time on duty, but they concluded that "by doing so, he was putting himself in the situation where his ability to properly

carry out his job was beginning to be compromised by his increasing level of fatigue". He had failed to record the extra hours he had worked.

The ship's master faces a maximum fine of A\$550,000 (US\$584,580) and the chief mate a possible jail sentence



**A participant in the Project Horizon fatigue study, with electrodes attached to measure brain activity.**

of up to three years and a A\$220,000 fine.

Meanwhile, researchers on Project Horizon, a simulator-based study into fatigue, are now pulling together data collected over almost two years. The results should be published in October but already it is clear that the study has identified significant fatigue-related problems associated with some watchkeeping patterns.

Project Horizon was designed to measure fatigue levels of watchkeepers and their effects on performance and to develop a fatigue management tool kit for the industry. Three academic institutions have been involved: Sweden's Chalmers University, the Stress Research Institute of Stockholm University and the UK's Warsash Maritime Academy. The project was also assisted by the seafarers' union, Nautilus, and the classification society, Bureau Veritas.

A range of simulators was used to test the effects of following selected watchkeeping patterns under the same conditions. The Chalmers experiments used bridge and engine simulators but the Warsash ones, which were completed this April, also used a cargo simulator to recreate a realistic virtual products tanker shuttling between Fawley and Rotterdam.

The participants were monitored throughout their time on watch and some of the time they were also wired up to a battery of instruments monitoring their brain activity and physical condition, and they were continually tested to see how sleep they had become and to what extent their performance levels had deteriorated.

## MICHAEL GREY

**Y**OU can't have too much communication. My grandchildren are communicating all the time, their little thumbs a blur as they tap out their ungrammatical messages on their tiny mobile keyboards. No event goes unrecorded and untransmitted by the miniature cameras built into their telephones. I sometimes wonder whether the miraculous systems which facilitate these transmissions will simply become overloaded and bugged up with the sheer density of the electronic soup flying around.

But it is all good business for seafarers, I'm told. Space is becoming a bit crowded with all these circling satellites (which are also very expensive to place into orbit), so there is burgeoning business for cable ships and their old-fashioned undersea cables, although they are far from old fashioned these days, with their ability to handle vast volumes of international messages as they speed through the oceans between continents.

For people of a certain age, accustomed to communication between ship and shore being mainly fulfilled by the agent's boat, "instant" connectivity aboard ship, like that available ashore, might take some adjusting to. But it is what younger folk expect, and if we are going to attract a new generation into seafaring, one cannot expect them to leave their internet connections on the pierhead.

Accordingly, the best maritime employers are providing what their seafarers want – an ability to communicate with their nearest and dearest, for a reasonable price, when they want. Look at any survey of seafarers' needs and these wish

lists invariably come up with an internet connection as being almost as vital to them as decent food and comfortable accommodation. Companies that fail to take notice of this important trend might discover that the quality seafarers they need are mysteriously absent.

For seafarers who have been used to being out of communication with home for weeks on end, perhaps trudging through heaps of coal dust to the Mission to Seafarers' outpost and its welcome telephone, on arrival after a long, slow passage, all this connectivity might take some getting used to. Indeed, there was something of a furore caused by a superintendent not that long ago – perhaps one of the "no news is good news" generation – who suggested that constant communication made seafarers unsettled and unhappier than they would have been if they didn't know that the car had broken down, the drains had blocked up, their son had been sent home from school for kicking the teacher, and



the pet rabbit had been eaten by a fox. There is not a lot the seafarer can do other than listen sympathetically to such tales of woe, and make the occasional sympathetic noises. Earlier generations just sort of shut themselves off mentally, as the lineman dropped the last rope into the water.

But the view of this superintendent has not attracted widespread support, even though the more thoughtful may suggest that he may have been a perceptive student of human nature. Communication is now regarded as a virtual right, and the only arguments are really over its



**ANY survey of seafarers' needs invariably lists internet access as the most vital. For those who don't have it on board their ships, The Mission to Seafarers works to make it easily available. Examples are the *Flying Angel*, the Mission's support boat which visits ships off Fujairah taking computers and telephone lines to crews of ships at anchor (left), and 24-hour wi-fi at its centres, such as at Limmassol (above), enabling seafarers to use the internet even outside opening hours.**

price. That and a few operational rules, such as a prohibition on using Facebook when on watch, and banning mobile phones from the bridge, following a number of accidents in which "distraction" was a contributory factor.

There have also been some warnings by the MTI Network,

which is an organisation that handles communications for ship operators whose vessels have become involved in incidents, that there are certain risks involved once seafarers start getting equipped with the social networking sites which have become so popular ashore. No alert person should,

of course, be oblivious to the fact that prospective employers and recruitment consultants consult the Facebook pages of potential employees just to reassure themselves of the suitability of the applicant. Evidence of embarrassing stunts, which might have seemed terribly funny at the time, might

well come back to haunt the applicant and act as a deterrent to employers.

Social networking sites, it has been said, magnify and record the folly of mankind, even though they allegedly have helped to topple reactionary governments and make people thousands of virtual friends. MTI helpfully point out the risk that after, say, a ship is in a collision, should investigators find evidence on the crew's Facebook pages of a very jolly mess-room party, with bottles of grog in evidence, they might use this as evidence of a very louche onboard management style, and make a convincing case for the innocence of the "other ship".

But this is the age of the "citizen-journalist", when every man is his own photographer and even film cameraman, and we'd better get used to it. The social networking sites can be a force for good in that if pictures of life afloat can be flashed ashore with such ease, employers perhaps ought to make sure that the portraits are positive. If those ashore can gain an impression that life at sea is one in decent accommodation, with good food and pleasant shipmates, along with an interesting job, this surely will be a benefit to everyone. After all, unless you have actually been to sea, nobody ashore knows what this life is really like. Modern communications could open eyes.

It is also worth considering the other side of the coin, as more "evidence" is made available about those ships which do not provide a positive image, with their horrible living conditions that deserve to be chased off the seas. Modern communications can be a two-edged sword!

## 2011 welfare awards

NOMINATIONS for the 2011 International Seafarers' Welfare Awards are now open and seafarers have until September 9 to put forward the names of companies, ports and welfare organisations which provide excellent welfare facilities and services to seafarers on land or at sea. Seafarers can make nominations at [www.seafarerswelfareawards.org](http://www.seafarerswelfareawards.org) or by email.

This will be the second year the International Committee on Seafarers' Welfare (ICSW) has run the awards. "Last year's awards were a huge success with over 2,000 nominations received from seafarers around the world," said ICSW director Roger Harris. "As well as recognising those that already provide exceptional service we hope that by raising awareness of best practice we will encourage others to improve, or to establish new services and facilities."

The awards will be presented at a ceremony at the International Labour Organisation in Geneva on December 12. There are four award categories – seafarers' centre of the year, port of the year, shipping company of the year and welfare personality of the year, with the first three nominated directly by seafarers.

**Calling all Seafarers**

We have launched the International Seafarers' Welfare Awards 2011 to recognise excellence in the provision of welfare services and facilities to seafarers.

We want you to nominate the organisation, company, or port who has made an extra effort to look after your welfare/wellbeing.

You can nominate for the following categories:

- seafarers' centre or club of the year
- port of the year
- shipping company of the year

Make your nominations NOW at: [www.seafarerswelfareawards.org](http://www.seafarerswelfareawards.org)  
Alternatively you can send a short email to: [awards@icsw.org.uk](mailto:awards@icsw.org.uk)  
Nominations close 9th September 2011

## 'Call for help when things go wrong' says MAIB

THE UK Marine Accident Investigation Branch (MAIB) has highlighted the need to call for assistance when things go wrong, and to practise emergency procedures. Its latest *Safety Digest* features

an incident where the duty engineer on a passenger ferry tried to repair a sheared compressed air discharge pipe for half-an-hour before calling the second and chief engineers. By this time the

air had gone from the control system and both main engines had stopped. The shaft generators came off load as the shafts stopped, and there was no air left to start the main generators. The emergency generator started, but did not run for long because its ventilation openings were left shut, causing it to overheat. As a result the ship, with passengers on board, was in darkness for two hours until the engineers managed to get the main generators started.

The MAIB's advice is to ask for help promptly. "When machinery breaks down," it says, "the first priority must be to prevent the situation from getting worse. This can be very hard to do if you are on your own, particularly if you then get involved in repairs."

## BEN BAILEY

**I**M on board the Eurostar train which connects London to mainland Europe. In a matter of hours I will be the other side of the English Channel on my way to Antwerp for The Mission to Seafarers. It's a glorious summer day. Out of the window I can see the Port of London where a huge mound of scrap metal glimmers in the sun. Alongside, two large general cargo ships wait for the incoming tide. I wonder if crew members from those ships are in the seafarers' centre speaking to their loved ones or relaxing for a few brief hours. On such a day it is hard to imagine a nicer place to be than sailing the tranquil waters of God's blue planet.

Half a world away, however, the pirates operating on the clear waters of the Indian Ocean are targeting seafarers as they go about their business of transporting the world's goods. In January, I wrote in this column of meeting seafarers in the port of Mombasa who were understandably frightened about transiting the seas in that part of the world. They spoke vividly about their concerns; they didn't feel protected by the industry or the navies; and they didn't want to worry their families back home and so didn't tell them where they were. While I was in Kenya, I also met the commander at that time of the European Union's naval force (EU Navfor) in the region. During our discussions he was adamant that his force was succeeding in its tasks. Six months on, over 500 people

# Fighting piracy off Somalia

## Ben Bailey talks to EU Navfor about its mandate and role

are still being held hostage. At least six people have been killed and the International Maritime Organisation (IMO) recently approved interim guidelines for shipowners who wish to enhance their vessels' security by placing armed guards on board.

"We're pleased that IMO has been discussing these issues," says Wing Commander Paddy O'Kennedy, the public affairs spokesman for EU Navfor, when I call him for an update. "A year ago we didn't endorse the use of armed guards, but it would be remiss of us not to accept that it's happening and proving successful. We want to see a way of introducing them so that guards are appropriately trained."

Pirate attacks so far this year have been more severe than ever. They are happening on a daily basis and the naval force estimates that the pirates have a 20 per cent success rate – meaning that for every five attacks, one ship is successfully taken. However, for the moment mother nature is on the side of seafarers. With the monsoon season in full force, EU



Navfor predicts a drop in the number of attacks.

"The weather is getting worse," says Wing Commander O'Kennedy. "Even though pirates now use mother ships, we still believe that the number of attacks will drop because the last stage of an attack involves small skills and it's very dangerous for pirates to climb aboard ships during heavy swells and rough weather." Wing Commander O'Kennedy



**EU naval forces stop suspected pirate boats. (Photos: EU Navfor)**

describes a recent incident in which a group of pirates got into trouble in rough seas: the master of a vessel being attacked was able to turn his ship into a swell which gave the pirates a significant problem and they backed away. Manoeuvring in a zigzag fashion is one suggestion contained in the Best Management Practice (BMP3) document issued to masters and seafarers by the industry, although Wing Commander O'Kennedy says that not every ship is using all of the tactics.

"I would say about 60 per cent

of ships in the region are employing BMP3 in some form or another. You can't pick and choose which bits to use – it has to be deployed in its entirety and that means starting at the planning stage, using the barbed wire and reporting the ship's position to UKMTO (the UK Maritime Trade Operations office in Dubai, which acts as the primary point of contact for merchant vessels and liaison with military forces in the region). It's shocking that more ships aren't registering their position considering the significant risk to shipping."

EU Navfor has been operating in the Indian Ocean since 2008 and was initially tasked with protecting World Food Programme cargoes entering Somalia for one year. Wing Commander O'Kennedy says that the operation has now been extended to December 2012. It is the first time the European Union has sent a combined force to an incident, and its current make-up includes countries from across the European Union.

"We currently have eight vessels on operation," says Wing Commander O'Kennedy. "We also have four patrol and reconnaissance aircraft from Spain, Germany and Luxembourg. Their role is to scan for pirate action groups and, if they spot something unusual, they will call for a naval ship to investigate."

"Our role is a constabulary operation – in essence it is to apprehend suspects and build a case for prosecution," he says. "Once we have built a case we offer it to a country which has an interest. This could be the flag state of the pirated ship, the naval vessel's home country or one of the countries that has trade passing through the region – which is pretty much the entire world. However, if we don't get a response, we have to let the suspects go, which is incredibly frustrating."

Talking to Wing Commander O'Kennedy reminds me of a conversation I had with a seafarer in Mombasa who told me that on the voyage there, the crew hadn't seen any navy ships. This had made them feel more vulnerable to attack. When I ask Wing Commander O'Kennedy about this, he explains that EU Navfor has a range of tasks and just can't be everywhere.

"We're doing the best we can with the assets we've got," he says. "Our priority is to protect World Food Programme cargo, to transport goods and services for the African Mission in Somalia (a peacekeeping initiative operated by the African Union), and then to protect vulnerable shipping in the region. It's possible that seafarers wouldn't see us, but that's because our mandate is quite clear in what we are supposed to be doing, and we're succeeding in those tasks."

In Antwerp, the seafarers I meet are happy to be working on European routes. But every one of them expresses concern for their "brothers" in the Indian Ocean. "It's a desperate situation," a second officer tells me as we sit in the mess room. His ship docked that morning after a three-week voyage from Ghana, delivering cocoa beans. "The life of a seafarer is hard enough without the added threat of piracy – we need better protection. The world must do more."

# Dismissal and your rights

FOR more than ten years, shipping has faced a seafarers' recruiting and retention crisis. Ship operators have struggled to address the shortages, particularly in senior ranks, by, among other things, promoting officers as quickly as possible to fill required positions. During the same time, ship accident rates have been steadily climbing after more than twenty years of decline. One maritime industry leader recommended in the press recently that shipping companies should begin dismissing incompetent seafarers. This article will examine seafarers' rights when being dismissed for incompetence.

Since the earliest sea codes,

maritime law has given seafarers protections against being unfairly dismissed. While the law has recognised a shipmaster's ultimate responsibility for a ship's safe and efficient operation, including ensuring that crew are competent to perform their duties, the law also provides seafarers with protections against being unfairly dismissed.

Historically, shipmasters have had unquestioned legal authority to dismiss seafarers on their ships. Even today, few courts would interfere with a shipmaster's responsibility to ensure ship safety or with his or her discretion to dismiss crew members. However, flag state laws and

contracts provide procedures that must be followed when dismissing seafarers. While it is unlikely that a court would require a shipmaster to reinstate a dismissed seafarer, laws and contracts provide other remedies to an unlawfully dismissed seafarer.

The law of the ship's flag state and the seafarer's contract must be reviewed to determine procedures that must be followed when dismissing a seafarer and the remedies that are available to a seafarer dismissed. Common features of contracts and laws include that only a shipmaster can dismiss a seafarer and that a seafarer cannot be dismissed for a trivial offence.

There are usually requirements to inform the seafarer of the grounds for dismissal, to give an opportunity for the seafarer to respond to the charges, and for a record of the dismissal to be entered in the ship's log. Usual grounds for dismissal include drunkenness, going ashore without leave, disobedience, fighting, theft, and conviction of a serious crime. If the legal or contractual requirements for dismissal are not followed, the dismissal is illegal and the seafarer so dismissed may be entitled to remedies such as payment of wages that would have been earned to the end of the contract or other specified remedies. The laws and contracts sometimes also provide for compensating seafarers when their contracts are legally terminated through

no fault of their own.

Dismissal for incompetence is treated very differently in various contracts and laws. For example, under US law, incompetence is not considered misconduct and the master has the option to continue the seafarer's service in a lower position on the ship. Liberian law allows dismissal for incompetence only in situations where the seafarer has misrepresented his or her qualifications. The IBF and ITF contracts do not specify incompetence as a ground for dismissal. The POEA contract for Filipino seafarers, on the other hand, treats incompetence as misconduct requiring dismissal and suspension for at least two years.

Except in cases of misrepresentation, dismissing seafarers for incompetence is unfair

to seafarers. It ignores training institutions' obligations to provide quality education, administrations' obligations to regulate schools and to issue merchant mariner documents only to seafarers who have the required qualifications, and ship operators' obligations to verify seafarers' qualifications in the hiring process, and to provide on-going training to their crews. Dismissing incompetent seafarers will not reverse the rising ship accident rate. Without significant changes in seafarers' training programmes, the growing pressures to fill shipboard positions will encourage administrations and the maritime industry to issue qualifications to poorly trained seafarers (who believe that they are qualified) and to promote them before they are ready.

# El despido y tus derechos

DURANTE más de una década, el sector marítimo se ha estado enfrentado a una crisis de contratación y retención de marinos. Los armadores han tratado de solucionar la escasez de personal, en particular el de rangos superiores, mediante, por ejemplo, el ascenso de oficiales lo más rápido posible para llenar los puestos vacantes. Al mismo tiempo, las tasas de accidentes en los barcos han ido aumentando de forma constante tras veinte años de descenso. Uno de los principales representantes del sector marítimo declaró recientemente ante la prensa que las compañías navieras deberían empezar a despedir a los marinos incompetentes. Este artículo examina los derechos de los marinos cuando son despedidos por incompetencia.

Desde que se elaboraron los primeros códigos marítimos, el derecho marítimo ha ofrecido a los marinos protección contra los despedidos improprios. Si bien según la legislación

recae sobre el capitán la responsabilidad de la seguridad y la operación eficiente de un buque, incluyendo el deber de asegurarse de que la tripulación sea competente en el ejercicio de sus funciones, las leyes también brindan a los marinos protección contra los despedidos improprios.

Los capitanes siempre han tenido una autoridad legal incuestionable para despedir a los marinos que trabajan en sus buques. Incluso hoy en día pocos tribunales interferirían en la responsabilidad de un capitán para garantizar la seguridad del buque o en su criterio con relación al despido de miembros de la tripulación. No obstante, las leyes de los estados de abanderamiento y los contratos estipulan procedimientos que se deben seguir en relación con el despido de los marinos. Si bien es poco probable que un tribunal exija a un capitán que restituya a su puesto a un marino que ha sido despedido, las leyes y

los contratos ofrecen ciertos recursos legales en el caso de un despido improprio.

Se deben revisar la legislación del estado de abanderamiento y el contrato del marino a fin de establecer los procedimientos que se deben seguir en caso de despido y los recursos disponibles para el marino. Los contratos y leyes por lo general establecen que solamente el capitán puede despedir al marino y que el despido no se puede deber a una falta menor. Normalmente se establecen requisitos según los cuales se debe informar al marino de las causas del despido y brindarle la oportunidad de responder a las acusaciones, así como registrar el despido en el cuaderno de bitácora. Entre las causas comunes de despido figuran emborracharse, ir a tierra sin permiso, la desobediencia, las peleas, el robo y haber cometido un delito grave. Si no se cumplen los requisitos jurídicos o contractuales para el despido, dicho despido resulta improprio y el

marino despedido puede tener derecho recursos como el pago de los salarios que le corresponderían hasta el final del contrato u otros recursos especificados. A veces, las leyes y los contratos también ofrecen indemnizaciones a los marinos cuando sus contratos se rescinden de forma legal pero sin que la culpa sea de ellos.

Los despedidos por incompetencia reciben tratamientos muy diferentes en diversos contratos y leyes. Por ejemplo, la legislación estadounidense no considera la incompetencia como mala conducta y el capitán tiene la opción de mantener al marino en servicio pero en un puesto de un rango inferior. Las leyes de Liberia permiten el despido por incompetencia solamente en aquellas situaciones en las que el marino ha dado información falsa sobre sus cualificaciones. Los contratos del IBF y la ITF no contemplan específicamente la incompetencia como causa de despido. Por otro lado, según el contrato de la POEA para los marinos filipinos, la incompetencia constituye una conducta indebida que requiere el

despido y la suspensión durante dos años por lo menos.

Excepto en casos de declaraciones falsas, el despido de los marinos por incompetencia es injusto para ellos. Ignora la responsabilidad de las instituciones de formación de brindar una educación de calidad, la responsabilidad de los administradores en cuanto a la regulación de las escuelas y la emisión de documentos de marinos mercantes solamente a aquellos marinos que tengan las cualificaciones necesarias, así como la responsabilidad de los armadores de comprobar

las cualificaciones de los marinos durante el proceso de contratación y brindar a sus tripulaciones una formación continua. El despido de marinos por incompetencia no logrará revertir la tasa creciente de accidentes marítimos. Si no se producen cambios significativos en los programas de formación de los marinos, las presiones cada vez mayores para llenar las vacantes a bordo de los barcos llevarán a las administraciones y al sector marítimo a otorgar cualificaciones a marinos con una formación deficiente (que creen estar cualificados) y a ascenderlos antes de tiempo.

## 解雇与您的权利

10 多年来, 航运业一直面临着海员招聘和保留危机。船舶经营者竭力应对着此类短缺情况, 尤其是高级船员的短缺, 而它们采用的方式之一, 就是尽快提拔船员, 以填补空缺的职位。同期, 船舶事故发生率在此前逾 20 年下降之后, 再次呈现稳步上升趋势。一名航运业领袖最近在报上建议, 航运公司应当开始解雇不称职的海员。本文研究海员在被以不称职为理由解雇时的权利。

或合同要求, 解雇就是非法的, 遭到这样解雇的海员可能有资格得到一些补救, 比如支付到合同终止本来会挣得的工资, 或其它指明的补救。有时候, 在海员的合同被合法终止而海员本人并无过错的情况下, 法律及合同还会规定让海员得到赔偿。

对于以不称职为理由的解雇, 各种合同和各国法律有非常不同的规定。例如, 根据美国法律, 不称职并非行为不当, 船长拥有安排相关海员在船上担任较低职务的选择。利比亚法律规定, 只有在海员谎报自己资历的情况下, 才能以不称职为理由解雇相关海员。IBF 和 ITF 合同并未将“不称职”(incompetence) 列为解雇理由之一。另一方面, 适用于菲律宾海员的 POEA 合同将不称职视为一种行为不当, 要求给予解雇或停职至少两年。

除了谎报的情况以外, 以不称职为理由解雇海员, 对相关海员是不公平的。这忽视了培训机构提供高质量教育的义务; 行政主管部门监管学校的义务, 并只向拥有所需资历的海员签发商船船员证件的义务; 以及船舶经营者在招聘过程中核实海员资历, 并向船员提供在职培训的义务。解雇不称职的海员不会逆转不断上升的船舶事故发生率。只要不对海员的培训计划进行重大改变, 在填补船上职位方面与日俱增的压力, 就会鼓励行政主管部门和航运业向训练不到位的海员签发资历证件(使他们相信自己是合格的), 并在他们能够胜任之前过早提拔他们。

# Увольнения с работы и ваши права

УЖЕ более десяти лет отрасль морских перевозок переживает кризис «текучки» кадров. И одним из способов, которыми операторы судов пытаются решить проблему нехватки кадров, в особенности старших рангов, является более быстрое, чем следовало бы, продвижение моряков в должности для заполнения имеющихся вакансий. Одновременно, после почти двадцатилетнего периода снижения, наблюдается неуклонный рост аварийности на судах. Один из лидеров морского судоходства недавно выступил в прессе с рекомендациями судовладельческим компаниям увольнять моряков, проявивших некомпетентность при выполнении должностных обязанностей. В данной статье мы рассмотрим права моряков в случае увольнения по причине некомпетентности.

Начиная с самых ранних морских кодексов морское право обеспечивало защиту прав моряков в случае несправедливого увольнения. Закон признает абсолютную ответственность капитана за безопасную и эффективную работу судна, включая гарантию компетентности членов экипажа при выполнении ими своих обязанностей, и в то же время предоставляет средства правовой защиты для несправедливо уволенных моряков.

Исторически сложилось так, что капитаны судов имеют неоспоримые юридические полномочия для увольнения моряков со своего судна. Даже сегодня лишь немногие суды станут вмешиваться в исполнение капитаном своих обязанностей по обеспечению безопасности судна, а также в его (или ее) право на увольнение членов экипажа. Однако в законах и контрактах государств флага имеется перечень процедур, обязательных для соблюдения при увольнении моряков. Маловероятно, что суд потребует от капитана судна восстановить

уволненного моряка, но законы и контракты предоставляют другие средства защиты его прав.

Законы государств флага и контракты, заключаемые моряками, должны быть пересмотрены с целью определения процедур, обязательных для исполнения при увольнении, а также средств правовой защиты, которые могут использоваться уволенными моряками. Обычно контракты и законы включают в себя положения, определяющие, что лишь капитан судна может уволить моряка, и то, что причиной увольнения не может быть какой-либо мелкий проступок. Также включены требования информирования моряков о причинах увольнения, обеспечения возможностей моряков прояснить на обвинении, а также занесения записи об увольнении в судовой журнал. Распространенными причинами увольнения являются пьянство, выход на борт без разрешения, непослушание, драки, воровство и обвинение в серьезном преступлении. Если правовые или контрактные требования в случае увольнения не соблюдены, увольнение признается незаконным. Уволенный таким образом моряк может иметь право на такое возмещение ущерба, как выплата жалования, которое могло бы быть им получено в случае завершения работы по контракту, а также другие оговоренные возмещения. Законы и контракты в некоторых случаях также предусматривают компенсацию морякам в тех случаях, когда их контракты расторгаются на законных основаниях не по их вине.

Увольнение по причине некомпетентности в различных законах и контрактах рассматривается неоднозначно. Например, в соответствии с законами США, некомпетентность не признается нарушением, и у капитана есть возможность предложить

моряку продолжить службу в более низкой должности. Законы Либерии позволяют увольнение по причине некомпетентности только в тех случаях, когда моряк представил ложные сведения о своей квалификации. В контрактах МПФ (IBF) и МФТР (ITF) некомпетентность не называется среди возможных причин увольнения. С другой стороны контракты Филиппинского агентства по трудоустройству за рубежом (POEA) рассматривают некомпетентность как нарушение, требующее увольнения и отстранения от работы на срок не менее двух лет.

За исключением случаев предоставления ложной информации, увольнение моряков по причине некомпетентности очень несправедливо по отношению к морякам. Оно игнорирует обязательства учебных заведений по обеспечению качественного образования, обязательства администраций по контролю учебных заведений и выдаче паспортов моряка (MMD) только тем, кто имеет требуемую квалификацию, а также обязательства операторов судов проводить проверку квалификации моряка при найме на работу и обеспечивать постоянное обучение в процессе работы для своих экипажей. Увольнение некомпетентных моряков не сможет полностью изменить ситуацию с ростом аварийности на судах. Без внесения серьезных изменений в программы обучения постоянно возрастающие трудности по заполнению вакансий на судах вынуждают управляющие органы и отрасль морского судоходства выдавать квалификационные свидетельства плохо обученным морякам (уверенным в своей квалификации) и повышать их в должности раньше, чем они достигнут требуемого уровня компетенции.

Самый ранний период снижения аварийности на судах наблюдается в последние десятилетия. Одновременно, после почти двадцатилетнего периода снижения, наблюдается неуклонный рост аварийности на судах. Один из лидеров морского судоходства недавно выступил в прессе с рекомендациями судовладельческим компаниям увольнять моряков, проявивших некомпетентность при выполнении должностных обязанностей. В данной статье мы рассмотрим права моряков в случае увольнения по причине некомпетентности.

Исторически сложилось так, что капитаны судов имеют неоспоримые юридические полномочия для увольнения моряков со своего судна. Даже сегодня лишь немногие суды станут вмешиваться в исполнение капитаном своих обязанностей по обеспечению безопасности судна, а также в его (или ее) право на увольнение членов экипажа. Однако в законах и контрактах государств флага имеется перечень процедур, обязательных для соблюдения при увольнении моряков. Маловероятно, что суд потребует от капитана судна восстановить

уволненного моряка, но законы и контракты предоставляют другие средства защиты его прав. Законы государств флага и контракты, заключаемые моряками, должны быть пересмотрены с целью определения процедур, обязательных для исполнения при увольнении, а также средств правовой защиты, которые могут использоваться уволенными моряками. Обычно контракты и законы включают в себя положения, определяющие, что лишь капитан судна может уволить моряка, и то, что причиной увольнения не может быть какой-либо мелкий проступок. Также включены требования информирования моряков о причинах увольнения, обеспечения возможностей моряков прояснить на обвинении, а также занесения записи об увольнении в судовой журнал. Распространенными причинами увольнения являются пьянство, выход на борт без разрешения, непослушание, драки, воровство и обвинение в серьезном преступлении. Если правовые или контрактные требования в случае увольнения не соблюдены, увольнение признается незаконным. Уволенный таким образом моряк может иметь право на такое возмещение ущерба, как выплата жалования, которое могло бы быть им получено в случае завершения работы по контракту, а также другие оговоренные возмещения. Законы и контракты в некоторых случаях также предусматривают компенсацию морякам в тех случаях, когда их контракты расторгаются на законных основаниях не по их вине. Увольнение по причине некомпетентности в различных законах и контрактах рассматривается неоднозначно. Например, в соответствии с законами США, некомпетентность не признается нарушением, и у капитана есть возможность предложить

# Trying to make a difference

WHILE I was driving in the port recently I met two seafarers walking to the gate. I stopped, explained who I was and asked if I could be of help. They wanted to be taken to the seafarers' centre. On the way, I told them it was accessible 24 hours a day and explained how to get in, using a keyboard at the door to put in an entry code. I also told them about the facilities available, which include telephones and wi-fi, and how they could purchase telephone sims/phone card top-ups if required.

It's very easy for those not involved in shipping to be unaware of the work of port chaplains and ship welfare visitors, which basically involves caring for the spiritual, emotional and practical needs of seafarers.

One of the main issues is the physical separation from home that seafarers experience for many months at a time and the stress this puts

on both seafarers and their families. Enabling them to communicate is therefore essential.

It is both rewarding and a privilege to help facilitate this communication, especially through technology which not only allows conversation but enables loved ones to see each other on the computer screen. It is very moving to know that a child is able to talk with their dad or mum this way, or that a seafarer can see the first pictures of his newly born baby.

This form of communication really does help to break down the barriers of separation, isolation and loneliness, and seafarers can at least continue to feel part of their families' lives and see the milestones reached by their children as they grow.

Being able to see and hear each other is also important because it reinforces the connection between parent and child so seafarers are not

strangers when they return home on leave.

While I was on holiday in Majorca recently, I was on a bus which stopped opposite a primary school. As the children were going into school, I noticed one little boy holding tightly to his mother's hand. He looked afraid, not quite sure what was happening. His mum handed him over to a smiling, reassuring teacher, then turned and walked quickly away. The little boy's eyes followed her but straightaway the teacher spoke and engaged with the child. Within moments his mood changed and he was happy and smiling and followed her into the school. His mum, meanwhile, did not look back. I could see she was crying. I wondered if it was the boy's first day at school, and thought how anxious his mother was likely to be until she was able to collect him. It made me think of seafarers leaving their

loved ones, and how the internet helps them see and talk to their children.

Chaplains and ship visitors are a little bit like the teacher – they try to make a difference by offering support and understanding. Jesus, having commissioned his apostles to tell people everywhere who he was and what he had come to do, continued to guide them from heaven through the Holy Spirit, poured out at Pentecost (Acts 2: 1-13), an event which the Church celebrated. Like them, we are all commissioned to continue the work which began at Pentecost. And one of the ways that chaplains and ship visitors do this is through everyday, practical care, such as helping seafarers and their families to stay in touch when they are far apart. Let us pray that the Holy Spirit will help all of us to help each other, especially those who are separated from their loved ones for long periods.

## 试图发挥作用

最近我在港区行驶时遇到两名海员，他们正向大门口走去。我停下来，向他们解释我是谁，然后问他们，我能否给予任何帮助？他们想要搭车前往海员中心。路上，我告诉他们海员中心是24小时开放的，还解释了进门过程——使用门口的小键盘，输入一个进入密码。我还向他们介绍了海员中心的设施，包括电话和wifi无线上网，以及他们如果需要的话，如何购买手机SIM卡/电话充值卡等。

航运业以外的人，往往不了解港口牧师和船舶福利访问者的工作，此类工作基本上就是照顾海员的精神、情感 and 实际需求。

主要问题之一是，海员们经常好几个月远离家园，这给他们和他们的家人都带来压力。因此，让他们能够沟通是至关重要的。能够帮着为这些沟通创造条件，让人欣慰，也是一种荣幸，尤其是借助现代科技，不仅能够实现通话，还能让亲人们在电脑屏幕上看到对方。目睹孩子能与父母这样交谈，或者海员能够这样看到自己的新生儿，真让人感动。

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这种沟通形式确实有助于克服分离、孤独和寂寞的障碍，让海员们能够至少在某种程度上继续感觉到家人的生活，看到孩子们在成长过程中达到的一个个里程碑。能够看到和听到对方也

是很重要的，因为这加强了父母与孩子之间的纽带，使海员们在休假回家时不会变成陌生人。

我最近在西班牙马略卡度假，有一天，我搭乘的巴士在一所小学对面停下，孩子们正陆续走进学校。我注意到一个小男孩紧紧抓住母亲的手。他看上去很害怕，不明白这一切是怎么回事。他的妈妈把他交给一名面带微笑的、令人宽慰的老师，然后转过身快步走开。小男孩的目光跟随着妈妈，但这时那名老师开始说话，吸引了孩子的注意力。没过多久，他的情绪就变了，他高兴起来，微笑着，跟着老师走进学校。与此同时，他的妈妈没有回头。我可以看到她在流泪。我揣测这是否是这个小男孩第一天上学，还想到，他的母亲可能会很焦虑——直到孩子放学，她能够接他回家。这让我想到海员们与亲人们离别时的情景，以及互联网如何帮助他们看到自己的子女，并与孩子们交谈。

牧师和船舶访问者有点像那名老师——他们提供支持 with 理解，以求发挥作用。耶稣在委托他的使徒们告诉普天下的人们他是谁、他来做何事之后，从天国通过圣灵继续指引着他们——五旬节（使徒行传2:1-13）就是纪念圣灵的降临，最近教会庆祝了这个节日。我们都受托继续推进在圣灵降临时启动的工作。而牧师和船舶访问者开展工作的方式之一，就是提供日常的、实际的照顾，比如帮助海员们与遥远的家人保持联络。让我们祈祷圣灵将帮助我们大家相互帮助，尤其是帮助那些与亲人长时间分离的人们。

# Tratando de ayudar

MIENTRAS conducía por el puerto hace poco me encontré con dos marinos que caminaban hacia la entrada. Me detuve, les expliqué quién era y les pregunté si les podía servir de ayuda. Querían que les llevase al centro para marinos. De camino, les dije que el centro estaba abierto las veinticuatro horas del día y les expliqué cómo entrar escribiendo una clave con el teclado de la entrada. También les hablé de las instalaciones que se pueden usar, como los teléfonos y la conexión wi-fi, y de cómo podían comprar tarjetas SIM para teléfonos móviles o tarjetas de recarga.

Quiénes no pertenecen al sector marítimo a menudo desconocen la labor de los capellanes de puerto y de los visitantes que trabajan por el bienestar de los marinos, una labor que básicamente implica atender las necesidades espirituales, emocionales y prácticas de la gente de mar.

Uno de los principales problemas que tratan de ayudar a superar es el de la separación física entre los marinos y su hogar, que sufren durante varios meses seguidos, y la presión que supone tanto para ellos como para sus familias. Es por eso que resulta esencial ayudarles a permanecer en contacto.

Es un privilegio, y al mismo tiempo una satisfacción, poder ayudarles en ese sentido, especialmente a través de la tecnología, que no solo les permite hablar con sus seres queridos sino incluso verlos. Resulta conmovedor saber que un niño puede hablar con su padre o madre de ese modo, o que un marino puede ver las primeras fotos de su bebé recién nacido.

Esta forma de comunicación verdaderamente ayuda a salvar las barreras de la separación, el aislamiento

y la soledad, y los marinos pueden sentir que siguen formando parte de las vidas de sus familias y ser testigos de la evolución de sus hijos a medida que crecen. Poder verlos y oírlos también es importante porque refuerza el vínculo que existe entre padres e hijos y de esa forma los marinos no son unos extraños cuando vuelven a casa.

Hace poco estuve de vacaciones en Mallorca e iba en un autobús que se detuvo enfrente de un colegio. Los niños estaban entrando en la escuela y vi a un pequeño que cogía con fuerza la mano de su madre. Parecía asustado, sin saber muy bien lo que estaba sucediendo. Su madre lo dejó con una maestra sonriente y tranquilizadora, se dio la vuelta y se marchó rápidamente. El niño la

siguió con los ojos, pero inmediatamente la maestra empezó a hablarle y lo entretuvo. Al cabo de muy poco tiempo su estado de ánimo había cambiado y entró con la maestra en la escuela, feliz y sonriente. Su madre, por otro lado, no se dio la vuelta para mirarlo. Me di cuenta de que estaba llorando. Me pregunté si ese sería el primer día de colegio del niño y pensé en lo preocupada que estaría su madre hasta que llegase la hora de volver a por él. Me hizo pensar en los marinos que dejan a sus seres queridos y en cómo Internet les ayuda a ver a sus hijos y hablar con ellos.

Los capellanes y visitantes son un poco como esa maestra: intentan ayudar al ofrecer su apoyo y comprensión. Jesús,

habiendo encargado a sus apóstoles que dijese a todo el mundo quién era y lo que había venido a hacer, siguió guiándolos desde el cielo a través del Espíritu Santo, cuya venida se produjo en Pentecostés (Hechos 2: 1-13), un acontecimiento que la Iglesia conmemoró recientemente. Todos tenemos el encargo de continuar con el trabajo que empezó en Pentecostés. Una de las formas en que los capellanes y visitantes lo hacen es mediante la asistencia práctica y continua, por ejemplo, al ayudar a los marinos y sus familias a mantenerse en contacto cuando están separados. Oremos para que el Espíritu Santo nos ayude a ayudar al prójimo, en particular a quienes están lejos de sus seres queridos durante mucho tiempo.

# Меняя мир к лучшему

НЕДАВНО на своем пути в порт я встретил двух моряков, идущих к воротам. Я остановился, представился, и спросил, не нужна ли им моя помощь. Они попросили подбросить их в центр моряков. По пути я рассказал им, что центр работает круглосуточно, и объяснил, как можно попасть внутрь, набрав код на кнопочной панели на двери. Я также рассказал им об услугах, которыми они смогут воспользоваться, включая телефонную связь и WiFi. Рассказал также, что если понадобится, они смогут купить новые sim-карты или пополнить счет телефона.

Те, кто не связан с морскими перевозками, вполне могут и не знать о том, в чем заключается работа портовых капелланов и социальных работников, посещающих суда. Эта работа, главным образом, состоит в

обеспечении духовных, душевных и бытовых потребностей моряков.

Главная трудность заключается в физической удаленности от дома, которая длится для моряков многие месяцы кряду, и стресс, который в связи с этим испытывает и сам моряк, и его семья. Поэтому обеспечение возможности общения перерастает в жизненную необходимость.

Способствуя этому общению, испытываешь и огромную радость, и огромную ответственность. Особенно, когда благодаря современным технологиям любящие люди могут не только разговаривать, но и видеть друг друга на экране компьютера. Очень трогает душу, когда знаешь, что ребенок может поговорить с отцом или матерью, что моряк может увидеть первые фотографии своего новорожденного

младенца.

Эта форма общения действительно помогает сломать барьеры разлуки, разобщения и одиночества, и моряк может ощущать себя частью жизни своей семьи и наблюдать основные моменты жизни своих детей. Возможность видеть и слышать друг друга важна и по той причине, что она укрепляет связь между родителями и детьми. Моряки уже не кажутся детям незнакомцами, когда приходят в отпуск.

Во время моего недавнего отпуска, который я провел на Майорке, я ехал в автобусе, остановившемся напротив начальной школы. В толпе детей, идущих в школу я заметил маленького мальчика, крепко сцепившегося в мамину руку. Он выглядел испуганным, не вполне осознающим, что происходит. Мама передала его

обнадеживающе улыбающейся учительнице, и быстро ушла прочь. Мальш неотрывно смотрел вслед матери, но учительница сразу же начала разговор с ребенком. Несколько мгновений, и настроение ребенка изменилось, он радостно заулыбался и последовал за учительницей в класс. Его мама шла не оглядываясь. Мне было видно, что она плачет. Я подумал о том, что, возможно, это был первый школьный день для этого мальчика, и о том, как будет волноваться мама до тех пор, пока не придет время забирать его. Это навело меня на мысль о моряках, покидающих своих родных и близких, и о том, что Интернет помогает им видеть своих детей и разговаривать с ними.

Капелланы и социальные работники, посещающие суда, немного похожи на ту

учительницу — они пытаются менять ситуацию к лучшему, предлагая поддержку и понимание. Иисус, поручив своим апостолам рассказать всем людям о том, кто он, и какова его миссия, продолжил наставлять их с небес схождение Святого Духа в день Пятидесятницы (Деян. 2, 1-13). Это событие совсем недавно отмечалось Церковью. Нам всем поручено продолжать работу, начавшуюся в день Пятидесятницы. И один из путей, которым капелланы и социальные работники осуществляют это — каждодневная, практическая забота, такая как, например, помощь морякам в общении со своей семьей, когда они находятся вдали от дома. Давайте помоллимся о том, чтобы Святой Дух дал нам силы помогать другим, и особенно тем, кто находится в длительной разлуке со своими любимыми и близкими.

**If you have any questions about your rights as a seafarer, or if you want more information or help, you can contact:**

Douglas B Stevenson, Center for Seafarers' Rights, 241 Water Street, New York, NY 10032, USA. Tel: +1212 349 9090 Fax: +1212 349 8342 Email: [csr@seamenschurch.org](mailto:csr@seamenschurch.org) or

Canon Ken Peters, The Mission to Seafarers, St Michael Paternoster Royal, College Hill, London EC4R 2RL, UK. Tel: +44 20 7248 5202 Fax: +44 20 7248 4761

Email: [justice@missiontoseafarers.org](mailto:justice@missiontoseafarers.org)



## Design concept for hydrogen-powered ship

**CLASSIFICATION society Germanischer Lloyd (GL) has developed a design concept for a hydrogen-powered ship (above). The zero-emission container feeder vessel is intended for Northern European feeder services and uses liquid hydrogen (LH<sub>2</sub>) as fuel to generate power, with a combined**

**fuel cell and battery system.**

**GL executive Pierre Sames told a recent seminar that the concept involved producing LH<sub>2</sub> offshore close to a wind farm. Surplus energy from the wind farm would be used for LH<sub>2</sub> production. A 500-megawatt wind farm could produce LH<sub>2</sub> for up**

**to five container feeder vessels, Dr Sames estimated. He said the cost for LH<sub>2</sub> produced offshore was several times higher than the currently used marine gas oil (MGO), but costs for MGO could be similar to costs for LH<sub>2</sub> after 2025 if emission surcharges were introduced.**

## IBF pay talks to take place in Miami in July

# ILO minimum wage to increase over two years

**M**ARITIME employers and unions have agreed an increase in the International Labour Organisation (ILO) basic wage, while talks on an International Bargaining Forum (IBF) deal, covering much of the global open register fleet, take place in Miami in July.

The ILO agreement, which is being phased in over two years from January 1, 2012, provides for a 7.3 per cent increase in the minimum basic monthly wage from US\$545 to \$585. This will take agreed consolidated monthly wages – including overtime and annual paid leave – to approximately \$1,028. The ILO minimum is far lower

than both agreements for open register ships approved by the International Transport Workers' Federation (ITF), which specify \$1,675 a month, and those negotiated at the IBF. But it is seen as providing a marker as to what is an acceptable wage in some cases.

An ILO report suggested that the ILO minimum wage be increased to \$710 per month to maintain purchasing power because of currency movements against the US dollar. However, shipowners cited the volatility of the US dollar as a major weakness in the report's findings and, in the context of the uncertain economic recovery, refused to

consider such a big pay rise.

The current ILO minimum basic wage for an AB, covering 48 hours of work, will increase from \$545 to \$555 on January 1, 2012, to \$568 on January 1, 2013, and eventually to \$585 on December 31, 2013. This brings the agreed consolidated monthly wages – including overtime and annual paid leave – to approximately \$975, \$998 and \$1,028 respectively.

Mark Dickinson, general secretary of seafarers' union Nautilus, described the discussions as difficult. "It is clear that the shipowners had come to Geneva with expectations that were unrealistic. Thank-

fully, the negotiators on both sides showed leadership and a deal was secured which – while clearly falling short of the seafarers' demands – at least provides a significant uplift after several years of zero increases, and a platform for further discussions in 2014."

Regarding the IBF Miami talks in July, ITF negotiator Steve Cotton stressed the importance of reaching a conclusion, while International Maritime Employers' Committee secretary general Giles Heimann said the ILO deal was an "interesting and necessary benchmark". He was confident an agreement would be reached.

## Major casualties continue at a disturbing level

**MAJOR** casualties at sea continue at a disturbing level, marine insurers warn. The number of incidents reported in 2010 followed the negative trend of the previous four years, according to the International Union of Marine Insurance (IUMI).

In its latest annual statistical review covering vessels over 500 gt, the IUMI says there have been 623 serious incidents reported to date for 2010, a similar figure to 2009. This means that 2010 joins the five worst vessel loss years in the last 17.

The pattern seems to dash hopes raised a year ago of a reversal in the casualty trend when shipping activity had slowed due to the global recession. IUMI's Patrizia Kern said that even ahead of a full picture of the year from claims reports, there was no doubt that the failure to stem the high level of casualties was of great concern.

The number of total losses

for 2010 stands at 63, similar to the figure reported by the IUMI 12 months ago for 2009. Since last year's report the outcomes for 2008 and 2009 have deteriorated. The number of reported total losses has increased for 2008 from 89 to 96, and for 2009 from 67 to 86. This would suggest that 2010 will be similar to its preceding two years. At this early stage, nearly 600,000 gt has already been reported as lost in 2010, against nearly 645,000 gt in 2009. Weather continues to be the major cause of total losses, followed by groundings.

The number of dry bulkers and tankers which suffered total losses continues to be low relative to the world fleet, but there appears to be a trend towards increasing losses of larger vessels. The size of the average dry bulker lost has risen from 19,000 gt in 2008 to 32,000 gt in 2010. For tankers, the average has risen from 8,000 gt to 36,000 gt in 2010.

## Singapore is first Asian country to ratify MLC

**IN** mid-June, Singapore became the first Asian country, and only the 14th state worldwide, to ratify the Maritime Labour Convention 2006 (MLC).

The International Labour Organisation's (ILO) convention is widely seen as the fourth pillar in international shipping regulation, complementing International Maritime Organisation (IMO) conventions on ship safety, security, and environmental protection.

The fundamental objective is that all seafarers, whatever their nationality, serving on a ship of any flag, will have decent conditions and an ability to have concerns addressed where conditions do not meet MLC standards. The MLC will use the existing port state control regime for enforcing IMO conventions and inspectors will have the power to detain ships on the grounds of unsatisfactory

working and living conditions for crews.

Progress towards bringing the MLC into force has been slower than expected. It was adopted by the ILO in 2006 but cannot come into force until ratified by at least 30 countries, representing 33 per cent of the world fleet by gross tonnage. This requirement has not yet been met.

Because major flag states such as Liberia, Marshall Islands, Panama and Norway, and now Singapore, have ratified, meeting the tonnage requirement has not been a problem. But overall many countries have been slow to put the necessary legislation in place. For example, all but two European Union member states have still to ratify.

The MLC will enter force one year after the requirements have been met. The working assumption in the shipping industry is that the convention will enter into force late next year.

## Suppliers to raise issue of port access at IMO

**THE** International Ship-suppliers and Services Association (ISSA) plans to raise the issue of access to ships being denied because of the International Ship and Port Facility Security (ISPS) Code.

"In some places," said ISSA president Jens Olsen, "you have to pay large amounts of money to take your supplies into the port, while in other places people are having great difficulty getting in."

"Problems can arise," he added, "when you have to have certification for every person going into the port. The bureaucracy is really increasing and you have to buy the certification in many places, so it is turning into a bit of a money machine."

Canon Ken Peters of The Mission to Seafarers said that while the ISPS Code was a useful piece of legislation for keeping ports safe, if misunderstood and incorrectly implemented, it could mean that port access became difficult for those with legitimate business, including chaplains making welfare visits, and seafarers could be denied shore leave.

"The ISSA is right to raise this issue. The Mission would welcome an IMO circular reminding flag states of shore leave requirements and that all port authorities should recognise their duty to ensure that seafarers are not denied what is a fundamental right for their well-being," he said.

## Shipping tycoon dies

**ISRAELI** shipping tycoon and billionaire Sammy Ofer has died at the age of 89. Believed to be one of the world's richest men, he built up a massive, family-owned conglomerate which includes Zim Lines, UK-based Zodiac Maritime and Singapore-based Tanker Pacific. While often controversial, he acquired a reputation as a philanthropist, donating more than US\$100m to charities in Israel alone.

## Poor watch blamed for collision

**A FATAL** collision between a ferry and a fishing boat off the UK's north east coast last August was caused by poor standards of watch-keeping, according to the country's Marine

Accident Investigation Branch (MAIB). A 16-year-old fisherman died in the collision, which took place in daylight in good visibility.

The prawn trawler *Homeland* was one of three fishing vessels crossing the course of the Italian-registered ro-ro *Scottish Viking*. The latter's watchkeeper did not determine at an early stage whether there was a risk of collision, nor did he adequately monitor or plot *Homeland's* track or take sufficient action to avoid collision, and the fishing boat's watchkeeper failed, among other things, to maintain a proper lookout from the wheelhouse.

The MAIB found that there had been complacency and lack of precautionary thought on the *Scottish Viking's* part, as well as ineffective implementation of the company's navigation policy and procedures.

## Brazil clamps down on shore leave

**BRAZILIAN** immigration authorities are strictly enforcing a law that prohibits seafarers from countries which have not signed the International Labour Organisation's convention on seafarer documentation (ILO 108/1958) to go ashore for any reason, unless they have a visa.

The same rules apply to crew changes. The marine insurer, the UK P&I Club, reports that fines of up to US\$1,000 per seafarer have been imposed when seafarers have been caught going ashore.

The Philippines is among countries not listed by ILO as having ratified ILO 108/1958.

## Seafarer's claim cut by US\$23m

**A US** appeal court told a seafarer who claimed he had been raped by police while on shore leave in South Korea that he could either see a US\$25m compensation award against Maersk Line reduced to \$2m or go through a retrial.

The court said the original award was "appallingly excessive" and that the shipping company could not be held responsible for the attacks alleged to have taken place ashore, only for failing to provide a prompt and appropriate medical response when the seafarer returned to the vessel. The 50-year-old US national is reported to now be back at sea working for another company.