



Protecting seafarers and their rights

A conversation between Gard's Alice Amundsen and Jacqueline Smith, Maritime Coordinator of the International Transport Workers Federation (ITF) on the Maritime Labour Convention.

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Our [previous article](#) outlined the essential functions of the Maritime Labour Convention (MLC) and Gard's experience with handling a seafarer abandonment case. We recently had the opportunity to interview Jacqueline Smith and Alice Amundsen about their experience with the MLC and the scope for cooperation between the ITF and Gard with respect to enforcement of the MLC.

The [ITF](#) is a federation of 670 trade unions in 140 countries representing 19.7 million working men and women in all transport sectors. Of these, about 900,000 are seafarers. The ITF is concerned with the wellbeing of seafarers throughout their service including ensuring that they are paid according to their contracts of employment.

P&I clubs cover shipowners' liability to seafarers for injury and illness as determined by the terms of their employment contracts. Clubs do not cover a member's obligation to pay wages. International Group clubs agreed last year to extend cover to provide the certificates that form the financial security in the event of abandonment. The security provides for maintenance costs pending repatriation, repatriation expenses and up to four months of wages. The conditions of this additional cover require that the member reimburse the club but in many cases of abandonment, the shipowning or operating entity has become insolvent – the very reason for the guarantee directly from club to the crew.

The club steps in under the MLC when the Convention's criteria for seafarer abandonment have been met. That is when the shipowner:

1. fails to cover the cost of the seafarer's repatriation, or
2. has left the seafarer without the necessary maintenance and support, or
3. has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.

Alice comments, "In the cases of abandonment that the club has handled, Gard has notified and cooperated with the ITF. We have received helpful assistance from the ITF Inspectorate in explaining to abandoned seafarers their rights and entitlements in these difficult circumstances."

Late or underpayment is not abandonment under the terms of the MLC. Jacqueline comments, "The ITF with its worldwide network of 140 inspectors plays an important role in investigating and assisting seafarers in making wage claims that fall short of abandonment. The ITF, with their affiliated unions, recovered last year over USD 30 million in outstanding wages and overtime payments".

Alice remarks, “Gard recently took the opportunity to interview a number of seafarers about stress factors in their lives aboard ship. Not surprisingly, worry over non-payment of wages is a top stressor”. Jacqueline adds, “A seafarer may be the primary breadwinner for an extended family, so the consequences of non-payment or late payment can be severe.” Stress not only affects individual health – it also compromises the safety of ship operations. The [ITF Seafarers Trust](#) is focused on promoting and improving the wellbeing of maritime workers worldwide. One of the key focus areas is health and safety on board ships, including managing and reducing stress.

Alice and Jacqueline both agree that Gard and the ITF have a mutual interest in seafarers’ wellbeing. They both see the opportunity for greater cooperation. “Jacqueline and I have agreed to learn more about the ITF Inspectorate’s role in relation to the MLC and Gard has accepted an invitation for MLC claims handlers to join a ship inspection”.

Jacqueline Smith was at sea for eight years. She was previously head of the Norwegian Seafarer’s Union before moving to the ITF. She has been Maritime Coordinator from October 2014.

Alice Amundsen has been head of Gard’s People Claims since March 2016 and has worked for Gard for more than 25 years.