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# Comments on working conditions, discrimination and shipping

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# Information collated by the European Transport Workers' Federation

## EU countries with discriminatory law/practices

- **Cyprus/Germany** – discrimination against Polish seafarers on national vessels – pay and working conditions
- **Denmark** – discrimination against EU seafarers – pay, work conditions and union representation?

Complaint filed with EU Commission - law amended accordingly

- **France** – discrimination between French and Romanians  
French language issue for Romanians

- **Italy** — vessels on the Italian International Register

Law 30/998, Art 3.1 – allows discrimination on pay against EU seafarers – but does not happen in practice

- **Ireland** — discrimination against Eastern European seafarers on pay and working conditions

- **Lithuanian Seaman's Union** — (no discrimination in Lithuania) but some seafarers reported discrimination on other EU flag vessels e.g. paid less than f/s nationals, not covered by social security and miss out on tax advantages

- **Netherlands** — discrimination prohibited by law and most collective agreements provide for equality on wages – although in practice some agencies still discriminate against non-Dutch seafarers (information provided by Nautilus International)
- **UK** — seafarers who applied for or were engaged for employment outside GB;

Section 9 Race Relations Act 1976 – pay

Complaint to EU Commission – Nautilus/RMT

Since 1<sup>st</sup> August 2011 – Equality Act 2010

**No discrimination reported in following  
countries/national vessels**

Bulgaria

Estonia

Greece

Latvia

Lithuania

Spain

Sweden

# UK Implementation

- Equality Act 2010
- Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011 applies in three scenarios:-
  - (A) UK Ships/hovercraft wholly or partly in UK waters adjacent to GB;
  - (B) EEA ships/hovercraft but only during the periods they are in UK waters adjacent to GB;
  - (C) UK ships/hovercraft wholly outside GB waters.

Prohibits discriminatory pay practices against EEA and Designated State nationals (and third country nationals recruited in GB in scenario (A) only)

# UK -issues for seafarers in accessing protection of the Equality Act 2010

- EEA vessels – only when in UK waters (scenario (B)) and employment to be located within GB or retain a sufficiently close link with GB
- UK vessels wholly outside GB – same employment link required
- Act does not apply to seafarers on non-EEA vessels – even if seafarer is based in the UK and working in UK territorial waters
- Comparators – other employee working for same employer or associate employer (section 79)
  - (a) at the same establishment or
  - (b) at different establishments but subject common terms apply
- National Minimum Wage Act 1998 – section 40 requires ordinary residence and some work to be carried out in the UK