Comments on working conditions, discrimination and shipping

Charles Boyle
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ETF Representative
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 1st 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.