

Bulletin

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Australian Ship Safety Information

---Seafarers' wages

There were two vessels detained by AMSA in the first quarter PSC inspection due to seafarers' wages not paid on time and in full. One of them had been banned from Australia ports for three months.

As stipulated in R2.2.1 of MLC, 2006: All seafarers shall be paid for their work regularly and in full in accordance with their employment agreements; Also stated in Standard A2.2.2: Each Member shall require that payments due to seafarers working on ships that fly its flag are made at no greater than monthly intervals and in accordance with any applicable collective agreement. The Member's national laws for implementing MLC, 2006 have relevant stipulation.

The two detentions were triggered by seafarer's complaint. The complaint seafarer did repatriate by company on one of the vessels when it berthed. A AMSA PSCO and an ITF offer made investigation due to the complaint and confirmed the seafarer hold two contracts. During MLC, 2006 inspection, seafarers' wages did not comply with the standards settled in collective bargaining agreement (CBA). One of the detained deficiencies in AMSA inspection report was listed as "Evidence of victimization of seafarer for making a complaint" (Interpretation by compiler: The seafarer was deprived of the right of employment in accordance with the contract due to advanced repatriation just as he made the complaint which caused he couldn't complete his service.) The four months wages were not paid to the complaint seafarers on the other vessel. The complaint indicated the fact the seafarer was not paid on time even if the amounts of wages had been paid before the AMSA inspection conducted after complaint made. The convention emphasizes to pay seafarer in regularly and in full, it breaches the seafarer's right and MLC, 2006 seriously due to not to pay fully to seafarer in monthly intervals. So the

detention deficiency was imposed to the vessels. Victimization to complainer also breaches seafarer's rights and MLC, 2006, so the same decision was given.

According to the MLC, 2006 inspection since it came into force, there are several reasons to cause the above mentioned deficiencies to share with you:

1. ITF often carries out inspection about seafarer wages on board convenient flag vessels. In order to void inspection, some ship owners make collective bargaining agreement (CBA) with ITF, but some seafarer's wage can't meet minimum wage standard in CBA. Then another contract was signed between shipowner and seaman. In fact, some seamen don't know the CBA exist on board at all;
2. Due to depression of economy, the ratio of seafarers' wages in running cost is prominent. In order to reduce the cost, amounts of seafarers in Myanmar, North Korean and Thailand were employed. To void the discrimination from documentation, the double contract signed with them as other country seafarers were paid higher;
3. Since recession of world economy, the fact that ship owners couldn't pay seafarers in full and regularly due to cash flow issue becomes common occurrence. Some ship owners pay seafarer once within several months, some pay seafarers when they disembark vessel, more than this, they own seafarers when they leave.

In inspection, there are some other deficiencies found related to wages:

1. Payment account not including details: The details should be including basic pay, overtime payments and paid leave. Basic pay is a base for accounting other payments;
2. Account of payments due and the amounts paid are not given to the seafarers;
3. Different payment for same position: Actually, there is not a really different payment. Some vessels manning electric technician, but they don't hold electronic qualification. They are listed as oiler or other ranks, but his salary is higher than same ranks on same vessels.

CCS Australia Office
April 28, 2018

Announcement :

1. Intention is to assist and ensure owners to understand and well prepared, ensuring all updated requirements from AMSA can be met
2. For more information, please visit AMSA website at www.amsa.gov.au and CCS website at www.ccs.org.cn
3. The information contained does not and cannot supersede any AMSA or related governing parties requirements as well

