International Labour Organisation

Report I

**Preparatory Technical Maritime Conference**

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First item on the agenda

# Industrial Relations in the Shipping Industry


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## INTRODUCTION

At its 55th (Maritime) Session (October 1970) the Conference unanimously adopted the following resolution concerning industrial relations in the shipping industry:

"The General Conference of the International Labour Organisation,

Noting that the Joint Maritime Commission at its 20th Session (1967) recognised the need for close consultation and co-operation between the shipowners and seafarers on the complex problems of industrial relations in the industry, accentuated by rapid technological changes,

Noting that the Commission considered that to be capable of solving the issues involved in this sphere effective communication between the parties would be essential to evolve flexible and efficient organisational structures of negotiating machinery,

Noting further that the personnel management on board ship is of keen concern in the search for practical answers to the questions involved;

1. Requests that governments, shipowners and seafarers be asked to co-operate in a study in depth by the ILO into the various aspects of industrial relations in relation to the shipping industry, with particular reference to such questions as existing legislation, the extent to which shipowners and seafarers are represented by their own organisations, the method of settling disputes, industrial consultation and collective bargaining, and relations on board ship and ashore, and what facilities exist for seafarers' representatives on board ship in connection with the above;

2. Requests the Governing Body of the International Labour Office to arrange for such a study to be undertaken and report back to the Joint Maritime Commission on the findings, together with a summary of them."

At its 182nd Session (March 1971) the Governing Body considered this resolution and decided at its 185th Session (February-March 1972) that the question of Industrial Relations in the Shipping Industry should be included in the agenda of the 21st Session of the Joint Maritime Commission (November-December 1972).

The report presented to the Joint Maritime Commission was based on information supplied by 69 countries in reply to a questionnaire. After considering this report the Commission adopted a resolution requesting the Governing Body to include this subject as an item on the agenda of the Preparatory Technical Maritime Conference with a view to the adoption of an appropriate international instrument at the next Maritime Session of the International Labour Conference. This resolution also requested that account should be taken of the information contained in the report on this subject submitted to the 21st Session of the Joint Maritime Commission together with any other pertinent information which would assist the Conference in its consideration of these questions.

When considering the agenda of the Preparatory Technical Maritime Conference at its 189th Session (February-March 1973), the Governing Body noted the proposals formulated by the Joint Maritime Commission and decided that the question of industrial relations in the shipping industry should be included as Item 1 on the agenda of this Conference. Consequently, the Office requested the governments of member States to be good enough to inform it of any events that may have occurred in their countries since their replies to the questionnaire were sent off or to reply to the questionnaire if they had been unable to do so at the time. The present report brings up to date the information submitted to the Joint Maritime Commission in 1972 and includes additional information.

Chapter I contains a summary of the replies to the questionnaire or information received later from the following Governments:

Algeria, Argentina, Australia, Bangladesh, Barbados, Belgium, Brazil, Canada, Chile, Colombia, Congo, Cyprus, Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, France, Gabon, German Democratic Republic, Federal Republic of Germany, Ghana, Greece, Guatemala, Guyana, Honduras, India, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Khmer Republic, Liberia, Madagascar, Malaysia, Malta,

Mauritius, Mexico, Morocco, Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Syria, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian SSR, USSR, United Kingdom, United States, Uruguay, Venezuela, Viet-Nam and Zaire.

The replies received from the Governments of the following 13 countries stated that the shipowners' and seafarers' organisations had been consulted: Belgium, Brazil, Denmark, Finland, France, Federal Republic of Germany, Israel, Netherlands, New Zealand, Norway, Panama, Sweden and the United Kingdom. In the case of Belgium, the Government's reply was prepared in agreement with the shipowners' and seafarers' organisations, and in the case of Brazil, the views of such organiations constitute the replies to each question along with those of the Government.

Chapter II gives a general summary of the trends in industrial relations in the shipping industry which may be discerned from the replies of governments. It also includes draft conclusions in the form of a resolution for consideration by the Conference.

Annex I contains the text of the resolution adopted by the 21st Session of the Joint Maritime Commission. Annex II indicates the international affiliations of seafarers' organisations and Annex III contains a list of national official bodies on which shipowners and seafarers are represented.

# CHAPTER I

## SUMMARY OF REPLIES TO QUESTIONNAIRE ON INDUSTRIAL RELATIONS IN THE SHIPPING INDUSTRY

### Legislation

1. Please state whether there exist in your country separate laws and regulations concerning industrial relations in the shipping industry, or whether laws and regulations concerning industrial relations in general are also applicable to this industry. In either case, please indicate the relevant laws and regulations.

A number of countries replying to the questionnaire indicate that some or all of the legislation governing industrial relations in general also applies to the maritime industry, and have not enacted separate laws to cover this aspect of the industry. This is the case in Bangladesh, Canada, Denmark, Ethiopia, Gabon, Guatemala, Guyana, Iraq, Ireland, Israel, Japan, Kenya, Malaysia, Malta, Mauritius, Nigeria, Norway, Philippines, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, Turkey, United Kingdom, United States and Zaire.

In the countries which follow, industrial relations in the shipping industry are governed by legislation designed specifically for the industry. The laws and regulations can be separate instruments in their entirety or there can be sections or parts of general legislation which refer solely to industrial relations in the shipping industry: Algeria, Australia, Chile, Colombia, Congo, Cyprus, Dahomey, France, Honduras, India, Indonesia, Liberia, Madagascar, Panama, Portugal, Senegal, Spain, Switzerland, Tunisia, Venezuela and Viet-Nam.

For a fairly large group of countries, industrial relations in shipping are governed both by general laws and regulations and by specific maritime legislation. This seems to be the case for Argentina, Barbados, Belgium, Brazil, Czechoslovakia, Finland, German Democratic Republic, Federal Republic of Germany, Ghana, Greece, Italy, Ivory Coast, Khmer Republic, Mexico, Morocco, Netherlands, Paraguay, Peru, Poland, Sweden, Tanzania, Ukrainian SSR, USSR and Uruguay.

### Shipowners' and Seafarers' Organisations

2. What action, if any, has been taken on the resolution adopted by the International Labour Conference at its 28th (Maritime) Session (Seattle, 1946) on shipowners' and seafarers' organisations?

Most of the countries responding to the questionnaire replied that no special measures have been necessary to ensure compliance with this resolution, and that the provisions of the resolution are all in effect.

The right to form associations and unions is widely recognised among maritime nations. As well, it is typical for organisations catering to employers and workers in the shipping industry to be consulted by the appropriate arm of government in the event of any changes being made in legislation affecting the industry and on other matters of mutual concern.

The date on which compliance with the provisions of the resolution came into effect was generally not stated. Some countries indicated that compliance was given effect through various items of legislation (German Democratic Republic, Ireland and Japan, for example, have the right to organise enshrined in the Constitution), while the experience of other countries points to bilateral development and acceptance by seafarers and shipowners of the principles contained in the above-mentioned resolution.

In the United Kingdom, for example, action on this resolution was not considered necessary because shipowners and seafarers already had the right to organise themselves without compulsion from outside. Mutual recognition already exists between the British Shipping Federation and the seafarers' organisations, and

the Government typically consults the representative organisations on laws and regulations which directly affect the industry. Where such laws equally affect other industries, there is consultation with the Confederation of British Industry and the Trades Union Congress, in both of which shipping organisations are active members. Further, both sides of the industry are associated with the organisation and administration of institutions in which they have a common concern. An example of this is the Established Service Scheme Agreement, under which the British Shipping Federation, after consultation with the seafarers' organisations, is responsible for the administration and control of the Merchant Navy Establishment Scheme.

In addition to the above-mentioned countries, the following seemed to indicate that there was virtual conformity with the provisions of the 1946 resolution on seafarers' organisations: Argentina, Australia, Bangladesh, Barbados, Belgium, Brazil, Canada, Denmark, Finland, France, Federal Republic of Germany, Ghana, Greece, Honduras, India, Indonesia, Israel, Italy, Ivory Coast, Kenya, Khmer Republic, Malta, Morocco, Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Singapore, Spain, Sweden, Switzerland, Tanzania, Trinidad and Tobago, Tunisia, Turkey, United States, Uruguay and Zaire.

This would also seem to be the case for the Ukrainian SSR and the USSR within the framework of a centrally-run economic system.

In a number of countries which, with the exception of Liberia, might be considered small and developing maritime powers, there does not appear to have been any action taken to bring about compliance with this resolution. In addition to Liberia these were: Algeria, Chile, Colombia, Congo, Cyprus, Czechoslovakia, Ethiopia, Gabon, Guyana, Madagascar, Malaysia, Mauritius, Mexico, Sri Lanka, Thailand, Venezuela and Viet-Nam.

3.(a) Are shipowners organised? If so, on what basis?

The majority of the countries which replied to this question state that there is some form of shipowners' organisation.

In a number of the traditional maritime countries shipowners are organised into several different types of organisation. These may be of the chamber-of-shipping type, dealing largely with the economic, technical and political aspects of the shipping industry. At the same time there can be other organisations whose purpose it is to assist, advise and represent shipowners specifically in labour, industrial relations and other social matters. Countries in which shipowners seem to be represented by several different types of organisation along the lines of the above are Canada, France, India, Netherlands, United Kingdom and United States.

By way of example, shipowners in the United States are organised in several associations with different purposes. For collective bargaining purposes shipowners are members of organisations or committees grouped by the prevailing character of the business conducted, such as major steamship companies, tanker and tramp operators, etc. This contrasts somewhat with the situation in India. The Indian National Shipowners' Association representing Indian shipowners deals with all aspects of the Indian shipping industry including industrial relations. All the major Indian shipping companies are members of the Association. Those foreign shipowners who employ Indian seamen are members of the Owners/Agents Committee (Crews), Bombay, and/or the Calcutta Liners Conference (Crews), Calcutta. Agents of Indian shipowners are also represented on these two bodies which, along with the Indian National Shipowners' Association, form the shipowners' side of the National Maritime Board (a bipartite body of shipowners and seafarers).

A number of countries reported having more than one shipowners' organisation, each designed mainly to represent the interests of shipowners engaged in a particular type of trade or operation such as, for instance, ocean-going, coastal trade and tug operations. This appears to be the case in Finland, Federal Republic of Germany, Greece, Peru, Philippines, Portugal, Singapore, Sweden and Uruguay. Japan reported having a number of shipowners' associations grouped according to the size of the enterprise.

For those countries reporting more than one shipowners' organisation, whether they were grouped according to function or type of operation, there was no indication of any overlap or conflict of interests between the various organisations.

In a few countries the extent of organisation amongst shipowners seems to be limited to one organisation, or individual shipowners may be associated with general employers' organisations. This is the case in Australia, Brazil, Chile, Dahomey, Denmark, Indonesia, Israel, Ivory Coast, Kenya, Madagascar, Nigeria, Paraguay, Spain, Thailand and Viet-Nam.

Countries which responded affirmatively to the question without providing complete details as to the basis of organisation were the following: Argentina, Belgium, Ireland, Liberia, Morocco, Norway, Poland, Switzerland and Turkey.

In only a few of the countries reporting the existence of some form of shipowners' organisation was any indication given as to what proportion of all the national shipowners belonged to such organisations.

Finally, in a number of countries shipowners as such are not organised. These are Barbados, Colombia, Congo, Cyprus, Ethiopia, Gabon, Ghana, Guyana, Honduras, Iraq, Khmer Republic, Malaysia, Malta, Mauritius, Mexico, Panama, Senegal, Sri Lanka, Tanzania, Trinidad and Tobago, Tunisia, Venezuela and Zaire.

3.(b) What is the degree of involvement of these organisations in activities in the field of industrial relations?

Most of the countries reporting the existence of a shipowners' organisation or organisations indicated that one or more such body was engaged in industrial relations activities with wide variations in the degree of such involvement.

In a number of countries the primary industrial relations role of shipowners' organisations was reported as being the negotiation of terms and conditions of employment. Such was the case in Argentina, Brazil, India, Italy, Kenya, Nigeria, Norway, Peru, Singapore, Sweden and Switzerland.

A few countries - Greece, Portugal and the United Kingdom - reported that the terms of reference of the shipowners' organisations extended beyond the negotiation of contracts into such areas as the establishment of sickness and welfare schemes, recruitment and training, supervision of conditions of work, the promotion of good industrial relations, and even representation of members at international meetings.

In the United States management associations provide the expertise in negotiations, consulting with their respective memberships to consider labour demands at time of contract renewals, providing representation on various panels for resolving grievances, implementing safety programmes and administering pension, welfare, vacation and training plans.

Australia, Canada, Chile, Denmark, Ireland and the Netherlands stated that shipowners' organisations were involved or participated in all industrial relations activities on behalf of members, but did not provide any details.

It was not always clear in the above whether or not industrial relations matters were the primary function of the organisation, and only for Finland and India was it clearly stated that the shipowners' organisations had authority to make final and binding commitments and contracts on behalf of member companies.

There was no indication of the degree of involvement of such organisations in industrial relations in the following countries: Belgium, Dahomey, France, Federal Republic of Germany, Indonesia, Ivory Coast, Japan, Liberia, Madagascar, Morocco, Philippines, Poland, Thailand and Turkey.

Virtually no participation in industrial relations matters was indicated for shipowners' organisations, where they exist, in Barbados, Colombia, Congo, Cyprus, Ethiopia, Gabon, Ghana, Guyana, Honduras, Iraq, Israel, Khmer Republic, Malaysia, Malta, Mauritius, Mexico, Panama, Paraguay, Senegal, Sri Lanka, Tanzania, Trinidad and Tobago, Tunisia, Uruguay, Venezuela, Viet-Nam and Zaire.

The question is not applicable to Czechoslovakia, German Democratic Republic, Ukrainian SSR and the USSR.

4. (a) Are seafarers organised? If so, please state the number of such organisations and the basis on which they are organised.

It would seem that seafarers in most countries are organised in unions. There may be only one union, a few, or many, and the basis on which they are organised can differ considerably from country to country. In some cases there will be two unions representing separately the officers on one hand and ratings on the other. In other countries there may be individual unions for each of the officer and unlicensed categories. In a few countries some or all categories of seafarers are organised in unions based on religious groupings.

A number of countries reported the existence of only one seafarers' union. These were Barbados (in the case of seafarers employed on foreign-owned vessels), Czechoslovakia, German Democratic Republic, Ghana, Guatemala, Iraq, Ivory Coast, Japan, Kenya, Madagascar, Malaysia, Malta, Nigeria, Poland, USSR and Viet-Nam.

In the case of Switzerland, Tanzania, Trinidad and Tobago, Tunisia and Zaire, seafarers seem to be organised as a separate group or unit within a larger organisation.

There appear to be two unions in Belgium, Colombia, Federal Republic of Germany, Honduras, Liberia and Senegal; three in India, Indonesia, Italy, Peru, Sierra Leone, Sweden, Thailand and Venezuela; four in Bangladesh, Finland, Ireland, Israel, Netherlands, Norway and Panama; and five in the United Kingdom and Uruguay.

A number of countries reported the existence of more than five unions, as follows: Australia, 6; Denmark, 8; Argentina, Canada, France, Morocco and Portugal, 11; Chile and Greece, 15; United States, 18; and Paraguay, 19. Brazil reported 13 national and 60 regional unions, and Turkey 40 unions, but it was not specified whether these were all seafarers' unions. The Philippines stated that seafarers were organised in approximately 100 organisations.

Guyana, Mexico and Spain seem to have seafarers' organisations, but the replies from these countries did not specify how many organisations were involved.

No such organisations appear to exist in Barbados for seafarers engaged on locally registered ships, Congo, Cyprus, Dahomey, Ethiopia, Gabon, Khmer Republic, Mauritius, Singapore and Sri Lanka.

4. (b) Of the total number of employed and employable seafarers, what percentage are unionised?

The extent to which seafarers are unionised varies widely among the countries responding to the question. Whether or not the percentages reported referred to employed or employable seafarers was, in most cases, not specified.

It appears that less than 10 per cent of seafarers in Gabon and Madagascar, and only about 20-30 per cent in Italy, Malaysia and Mexico, are unionised. For Dahomey, the Federal Republic of Germany, Indonesia and Switzerland the figure rises to about 50 per cent. In Bangladesh and Thailand 60 per cent are unionised.

Approximately three out of four seafarers are union members in Belgium, Iraq, Japan, Kenya, Malta, Morocco, Panama, Senegal, Trinidad and Tobago, Tunisia and Venezuela, while Brazil, Colombia and Peru report a slightly higher figure.

Virtually all seafarers appear to be unionised in Australia, Canada, Chile, Czechoslovakia, Ghana, Honduras, Israel, Ivory Coast, Liberia, Nigeria, Paraguay, Poland, Tanzania, USSR, United States, Uruguay and Viet-Nam. This was also so for seafarers engaged in foreign shipping in Finland, for unlicensed seafarers in Ireland (75 per cent for officers), and for ratings in Ghana and Sweden (percentages for officers not specified).

A high degree of unionisation amongst seafarers was reported by Argentina, Denmark, France and Turkey, and no information was supplied by Greece, Guyana, Panama, Philippines, Portugal, Spain and Zaire.

In India 60 per cent of ratings and 90 per cent of officers are unionised, and the Netherlands reports that 50 per cent of those seafarers to whom a collective agreement is applicable are organised.

The Philippines states that of the total number of employed seafarers, almost 70 per cent are unionised; of the employable seafarers some 40 per cent. In the United Kingdom the great majority, probably over 90 per cent, are members of the national unions. This figure does not include non-European ratings not domiciled in the United Kingdom. In that country, the National Union of Seamen operates a closed shop and in a joint statement issued by the National Maritime Board to all shipowning members of the British Shipping Federation on 15 January 1970, the Federation declared its support for the view that it was in the best interests of the industry as a whole and of the officers concerned to be members of one or other of the officers' unions represented on the Board.

Ninety per cent of the ships' masters and ratings in Norway are members of their respective organisations. For other officer categories the figure is about 70 per cent. In the German Democratic Republic all seafarers are unionised.

4. (c) Is there a federation of seafarers' trade unions? Do such unions have international affiliations?

It would appear from the replies to this question that in most countries there is no federation of seafarers' trade unions. Only in Argentina, Brazil, Chile, Colombia, Denmark, France, Greece, Israel, Italy, Netherlands, Panama, Portugal, Turkey, United Kingdom, Uruguay and Venezuela was a federation indicated. Paraguay reported that there was a type of federation called the League of Maritime Workers of Paraguay, while in Tunisia most seafarers are affiliated to the UGTT (Maritime Section).

In the Netherlands, the Federation of Organisations of Seafarers embraces two of the country's four maritime unions, namely the Association of Captains and Officers in the Mercantile Marine and the Trade Union of Ratings in the Mercantile Marine. In the United Kingdom, the seafarers' trade unions represented on the National Maritime Board have established the British Seafarers' Joint Council. Argentina and France reported that several seafarers' organisations are organised in a federation or federations; Portugal reports one federation for officers' unions; and Chile and Uruguay do not provide details of how many seafarers' unions belong to a federation.

For the other countries reporting the existence of a federation of seafarers' trade unions, it would appear that most or all such unions are members of these larger associations.

About one-half of the respondents to the questionnaire indicated that seafarers' organisations in their countries have international affiliations. Argentina, Ghana, Greece, Guyana, India, Ireland, Israel, Italy, Japan, Mexico, Nigeria, Panama, Paraguay, Philippines, Switzerland, United Kingdom and United States report that such affiliation is with the International Transport Workers' Federation (ITF).

In some countries there are affiliations both with the ITF and with other international trade union bodies. Thus, the World Federation of Trade Unions has affiliated unions in France; the International Federation of Christian Trade Unions of Transport Workers in Belgium and the Netherlands; and the International Confederation of Free Trade Unions in the Federal Republic of Germany, Panama and Trinidad and Tobago. The latter country also reports union affiliation with the Seafarers' International Union of North America. In Canada and Colombia there are affiliations with the ITF and with parent bodies in the United States, and in Finland with the ITF and the Scandinavian Transport Workers' Federation.

Australia reported its seafarers' unions as being affiliated with the ICFTU. Seafarers' unions in the German Democratic Republic, Poland, Ukrainian SSR and USSR are affiliated with the Trade Unions International of Transport, Port and Fishery Workers.

Norway, Turkey and Uruguay reported international affiliations but did not specify further.

Annex II details the international affiliations of the various seafarers' organisations.

4. (d) What specific provisions, if any, do the statutes of these organisations contain for dealing with industrial problems and disputes?

It would appear that the statutes of seafarers' organisations in a number of countries that replied to this question contain specific provisions for dealing with industrial problems and disputes.

The reply from Canada described the type of provisions contained in union constitutions, and for illustrative purposes referred to one of a union covering unlicensed seafarers. In this instance it was noted that the constitution specified the following where strike action was contemplated: a general strike may not take place unless approved by a majority vote of the membership. However, with the exception of general strikes, the union may declare a strike in accordance with a number of specific provisions, viz. the information concerning the dispute must be submitted to a membership meeting at the union headquarters or a branch, any vote to order a strike must be by secret ballot the result of which must be submitted to the next regular membership meeting, and finally, a two-thirds majority is necessary to authorise such a strike. When a strike has been approved a strike committee of three members must be elected to assist the officers of the union to effectuate all strike policies and strategies. Somewhat similar procedures seem to exist for seafarers' organisations in the United States.

In Japan the following provisions apply: (a) the decision to call a strike must be made by a competent authority; (b) before carrying out the scheduled strike the matter must be put to a general vote by the members affected and gain approval of more than two-thirds of the number of valid votes; (c) to call off the strike one of the following procedures applies: (i) the case is submitted to a national decision-making body, or (ii) the organisation having authority to order a strike decides not to proceed with it, or (iii) the matter is put to a general vote of the members at the start of the strike. Argentina also refers to specific steps to be followed when strike action is being considered.

The following extract from rules on the cessation of work for one of the Irish seafarers' organisations contrasts somewhat with the above. In the case of the particular union, the executive committee has power to declare strikes and to order and direct the members of the union to withdraw their labour. No stike may be declared or labour withdrawn without the prior sanction of the executive committee.

"Where notice to cease work has been given by members of the union without the prior consent of the executive committee, such notice is not recognised by the executive committee. Where members of the union cease work without prior consent of the executive committee, the executive committee does not subsequently declare such strike to be official. In special circumstances, the General Secretary has the power to sanction the serving of notice by members of their intention to withdraw their labour, subject to the endorsement of such decision by the next meeting of the executive committee."

In the case of the following countries, it was reported that the statutes of seafarers' organisations did contain provisions relating directly to the resolution of industrial problems and disputes without, however, providing any details of these provisions: Belgium, Colombia, Federal Republic of Germany, Greece, India, Ireland, Morocco, Netherlands, Norway, Paraguay, Peru, Portugal, Switzerland, Thailand and Turkey.

In Israel there are no specific provisions in the statutes of the individual unions for dealing with industrial problems and disputes. However, the statutes of the federation of the seafarers' unions contain specific provisions for strike action.

The rules for the officers' organisations in the United Kingdom do not contain any such specific provisions and the only relevant provision of the National Union of Seamen is one which empowers the executive council, at its discretion, to assist members taking part in any strike or action sanctioned by that council or by a ballot of members. The rules lay down the procedure for holding such a ballot.

The reply from Iraq indicates that the provisions in the model rules for all trade unions also applied to the seafarers' unions, and Kenya states that the constitutions of the unions provide for effective representation where industrial disputes arise.

There appear to be no special provisions for dealing with industrial disputes and problems in the statutes of seafarers' organisations, where such exist, in the other countries replying to the questionnaire. In some of these countries, however, it was indicated that the handling of such problems is governed by labour laws and other forms of legislation. This was so in Bangladesh, Honduras, Indonesia, Liberia, Malta, Panama, Philippines, Spain, Tanzania, Tunisia and Venezuela.

## Collective Bargaining

5. (a) To what extent is collective bargaining practised?

With the exception of a number of countries where the organisations of shipowners and seafarers are not yet sufficiently developed or are non-existent, most of the countries which replied to this question indicated that collective bargaining between the organisations generally concerned all questions relating to wages and other conditions of employment except those matters governed by legislation or other forms of statutory regulations. A number of countries simply stated that collective bargaining was practised and did not provide any further details.

5. (b) What regulations, if any, exist governing the procedure for the recognition of seafarers' organisations for the purpose of collective bargaining?

It would seem that in almost one-half of the countries the regulations governing the procedure for recognition of seafarers' organisations for the purpose of collective bargaining are included in labour and industrial relations laws, maritime codes, legislative decrees, etc. Most of the ccuntries which indicated this to be the case refer only to the existing legislation in their replies without giving any substantive details of the provisions concerned. Argentina, Australia, Bangladesh, Belgium, Brazil, Finland, France, Federal Republic of Germany, Honduras, Indonesia, Iraq, Ireland, Ivory Coast, Khmer Republic, Malaysia, Netherlands, Paraguay, Poland, Portugal, Spain, Sweden, Tanzania, Trinidad and Tobago, Tunisia, Venezuela and Zaire replied in this fashion.

In Canada the procedure for recognition of seafarers' organisations is specified by the Canada Labour Relations Board, established under the Industrial Relations and Disputes Investigations Act. Under this procedure a union claiming a majority membership in a unit of employees of an employer, and which claims it is appropriate for collective bargaining, may apply to the Labour Relations Board for certification as the bargaining agent for such employees. A trade union, to be certified, must prove that it has as members in good standing a majority of all employees in the unit considered appropriate by the Board.

If, on the basis of the evidence submitted, the Board is satisfied that an applicant union actually has a majority standing, that union may be granted certification without an election. In practice, however, the Board often takes a vote where the applicant has a small majority or for other specific reasons when this is considered appropriate.

Once a bargaining agent has been certified and notice requiring collective bargaining has been given, employers are forbidden to alter wage rates or other terms of employment until a collective agreement has been concluded or until the conciliation procedures of the Act have been exhausted in an attempt to reach agreement.

Employees are not permitted to strike until a bargaining agent has acquired the right to give notice to bargain and lockouts are forbidden while an application for certification is pending.

The Board has also laid down provisions concerning application for certification by another union, and the conditions governing collective bargaining with a non-certified union.

In the Philippines, when a question arises concerning the representation of employees, it is left to the Court of Industrial Relations to investigate and to designate the labour organisation which should represent the employees in collective

bargaining with the employers. Where any doubt exists as to the proper representative, the Court orders a secret ballot election to be conducted by the Department of Labour to ascertain who are the freely-chosen representatives of the employees. The organisation receiving the majority of votes cast in such election is then certified as the exclusive bargaining representative of the employees concerned.

Recognition in Guyana is generally granted to a union which represents a majority of the workers involved, as determined by machinery provided for by the Ministry of Labour and Social Security. This same majority rule seems to cover union recognition in Liberia, Turkey and Uruguay.

The reply from the United States stated that an employer may voluntarily recognise a trade union as representing one or more groups of his employees for purposes of collective bargaining. When a dispute arises amongst the employees as to whether they want to be represented by a trade union, or when the employees are divided as to which of two or more unions should represent them, the Labor-Management Relations Act of 1947 provides for an administrative tribunal, the National Labor Relations Board, to hold an election to determine the question of union representation. This Board is also empowered to determine the appropriate bargaining unit in cases where there is a question of how to delineate a group of employees to be covered by an agreement.

There are no particular regulations in this respect in the United Kingdom. It is proposed to provide in the forthcoming Protection Bill, that any independent trade union should be able to refer a recognition issue to the independent Conciliation and Arbitration Service (CAS). If the CAS recommended that the employer recognise the union and the employer did not do so, the union would be able to seek compulsory arbitration against the employer.

The reply from Malta states that not less than seven persons may form a trade union which, before it may be officially recognised, must be registered with the Registrar of Trade Unions. Official recognition is also required in Ghana, Greece, Mexico and Peru. In Kenya, recognition is voluntary, and in Thailand the Harbour Department has its own procedures for the purpose of collective bargaining.

There does not appear to be any particular legislation or other form of regulations governing this question in Barbados, Chile, Colombia, Cyprus, Czechoslovakia, Dahomey, Denmark, Ethiopia, Gabon, India, Israel, Italy, Japan, Madagascar, Mauritius, Morocco, Nigeria, Norway, Panama, Senegal, Singapore, Sri Lanka, Switzerland and Viet-Nam. Some of these countries stated that the question of recognition of seafarers' organisations is dealt with by custom or by the employers and employees directly.

6. (a) Please indicate whether the basis of bargaining is at the company or industry level, or whether bargaining takes place at both levels

From the replies received to the above question no dominant pattern emerges as to the level at which bargaining between seafarers and shipowners takes place.

In Denmark, bargaining takes place first between the Danish Shipowners' Association and the trade union organisations. The result of the negotiations applies to all of the members of the Association. Afterwards, individual company-level agreements are negotiated. In principle, these special agreements deal with the same methods as the industry-wide agreements, but are adapted to the special conditions obtaining in the respective shipping companies. Collective bargaining in Sweden takes place at both industry and company level. When negotiations take place between a shipping company and the organisations of those employed on board, such negotiations are carried out under the supervision of the Shipowners' Association. Separate agreements at the company level must be approved by the Association.

The following 17 countries also indicated that bargaining occurs at both the company and industry level - Argentina, Brazil, Canada, Chile, Denmark, France, Honduras, India, Ireland, Italy, Morocco, Paraguay, Peru, Philippines, Poland, Sweden, Thailand, Turkey and Uruguay.

Company-level bargaining seems to prevail in a similar number of countries, none of which are considered large traditional maritime nations. These were Czechoslovakia, Ghana, Guyana, Indonesia, Israel, Kenya, Malaysia, Malta, Mauritius, Mexico, Tanzania, Trinidad and Tobago, Tunisia, Venezuela.

In contrast, the experience of many of the major maritime nations shows a tendency towards bargaining at the industry level. Included in this category are Australia, Belgium, Finland, Federal Republic of Germany, Greece, Japan, Netherlands, Norway, Portugal, Spain, United Kingdom and United States. In the latter two countries single company agreements have been concluded in cases where new systems of work are introduced and to meet the special needs of a new ship design or special types of operations. Nigeria also stated that bargaining takes place mainly at the industry level.

The other countries which responded to the questionnaire but which are not listed in the above three categories either do not have collective bargaining as such or did not supply sufficient information on this matter.

6. (b) and (c) Please give the number of industry-wide and/or company-level agreements, if any, and the approximate number of seafarers covered by them

The number of industry-wide agreements and the number of seafarers covered by them vary considerably. In Portugal one such agreement covers all 6,550 Portugese seafarers while in the United Kingdom there are as many as six such agreements covering a high percentage of seafarers. At the company level, even wider variation is evident. Tanzania reported one company-level agreement covering 52 seafarers while Canada indicated that there were over 100 in existence involving some 4,300 seafarers. Table I below summarises the replies received to these questions.

TABLE I

LIST OF INDUSTRY-WIDE AND COMPANY-LEVEL AGREEMENTS IN VARIOUS COUNTRIES AND NUMBER OF SEAFARERS COVERED

| Country | Number of industry-wide agreements | Number of seafarers covered | Number of company-level agreements | Number of seafarers covered |
|---|---|---|---|---|
| Argentina | 26 | 9 707 | 42 | 9 707 |
| Australia | 1 | majority | 8 or more | 500 |
| Belgium | 2 | 3 500 | - | - |
| Brazil | - | - | several | unspecified |
| Canada | 6 | 7 375 | 103 | 4 625 |
| Chile | 22 | 207 | - | - |
| Czechoslovakia | - | - | 1 | unspecified |
| Denmark | 8 | 9 000 | 6 | unspecified |
| Finland | unspecified | 10 000 | - | - |
| France | unspecified | 8 000 officers<br>17 000 ratings | several | unspecified |
| Federal Rep. of Germany | - | - | 7 | 45 000 |
| Ghana | - | - | 3 | 850 |
| Greece | 10 | majority | unspecified | unspecified |
| Guyana | - | - | 7 | 400 |

| | | | | |
|---|---|---|---|---|
| Honduras | - | - | 22 | 270 |
| Indonesia | - | - | 1 | 7 300 |
| Iraq | - | - | 1 | unspecified |
| Ireland | 1 | 100 | 1 | 580 |
| Israel | - | - | 3 | 3 000 |
| Italy | 15 | unspecified | several | unspecified |
| Japan | 3 | 99 000 | - | - |
| Kenya | 1 | 150 | - | - |
| Liberia | - | - | unspecified | unspecified |
| Mauritius | - | - | 3 | 275 |
| Morocco | 4 | 15 000 | 4 | 15 000 |
| Netherlands | unspecified | 19 000 | unspecified | 3 050 |
| Nigeria | 1 | 1 500 | unspecified | unspecified |
| Norway | 5 | 47 500 | - | - |
| Panama | - | - | 6 | unspecified |
| Paraguay | 17 | 800 | 2 | 50 |
| Philippines | - | - | 53 | unspecified |
| Poland | 1 | 14 000 | - | - |
| Portugal | 1 | 6 550 | - | - |
| Senegal | 1 | unspecified | several | unspecified |
| Spain | - | - | several | unspecified |
| Sri Lanka | - | - | 1 | majority |
| Sweden | 7 | 15 000 | 75 | 5 000 |
| Switzerland | 1 | 1 000 | - | - |
| Tanzania | - | - | 1 | 52 |
| Thailand | - | 1 000 | - | - |
| Trinidad and Tobago | - | - | 5 | 600 |
| Tunisia | - | - | 1 | 30 |
| Turkey | 3 | unspecified | 1 | 1 774 |
| United Kingdom | 6 main agreements | 85 000 | 19 | 2 000 |
| United States | 16 | 70 000 | infrequent | 300 |
| Uruguay | 14 | 2 668 | unspecified | unspecified |

7. (a) Please describe the usual procedure of negotiation. In case joint negotiating machinery exists, please indicate its structure and functions

A number of countries described the procedure of negotiation as generally involving the presentation of notice to bargain within a certain time period before expiry of an existing agreement, followed by direct discussion and negotiation of proposals and counter-proposals and finally, where agreement is not reached on a bipartite basis, recourse is made to government intervention by means of conciliation, mediation, and arbitration. This seems to be the procedure in Australia, Chile, Denmark, Guyana, Honduras, Kenya, Malta, Peru, Senegal, Sweden and Tanzania. It is also true of Canada and the reply from that country included details of the joint negotiating machinery which consists essentially of the following:

There are several instances of joint negotiating in shipping, notably involving the Canadian Lake Carriers' Association and the British Colombia Towboat Owners' Association.

Joint negotiating by the Lake Carriers' Association is as follows: within the time limits prescribed by legislation the union notifies, by letter, each company belonging to the Association and the Association itself, that it wishes to open negotiations on monetary and non-monetary matters. Each company acknowledges, by letter, receipt of notification and designates the Association as its bargaining agent. The Association also acknowledges receipt of notification. The unions then present their statement.

Bargaining is carried out for the Association by a negotiating committee comprised of members appointed by the member companies and chaired by the general manager of the Association. Once agreement is reached the Association and each company signs a separate contract with the unions.

Towboat negotiations commence with the union giving notice to the Association, in writing, within the time limits provided by the agreement, and the Association acknowledges on behalf of the employers who signed the expiring agreement. The parties meet within 20 days unless they agree to a delay, and review proposals and start negotiations. The parties are represented by elected committees led by a consultant for the companies and the senior local officials for the unions.

Settlement at any stage is subject to approval by vote of the company and union membership. The two unions representing unlicenced seafarers (deckhands, cooks and oilers) present similar demands and at times negotiate jointly. Each union takes its own ratification vote and signs its own agreement.

Denmark also reported that there were some joint negotiations.

Agreements in Norway are terminated by written notice, after which the demands of each organisation are exchanged. Meetings are then held between the parties at the industrial level. Often, however, the parties cannot agree on a settlement and if the chief conciliator then deems it necessary, he will call the parties to a meeting and try to mediate a settlement between them. If his proposals for settlement are not accepted, the parties may then resort to strike or lockout action. The National Assembly may at this stage pass a law for compulsory settlement of the dispute through a final, binding decision by a wage board.

Contract negotiations in the United States are generally initiated from 90 days to 6 months before an existing collective agreement expires. Usually a consortium of trade unions advises one or more of the major management associations that the unions desire new contract terms. If an agreement is reached between prominent management associations and unions, management associations representing other segments of the industry often elect to abide by the provisions of such a basic settlement.

In the Philippines, whenever a party desires to negotiate an agreement it gives notice of this intention, in writing, to the other party. A reply from the other party is made within 10 days from receipt of such proposals. If differences arise either from the initial proposals or from the reply to them, either party may request a conference to resolve such differences. This conference must begin within 10 days from the making of the request.

Unions in Iraq wishing to negotiate submit an application to this effect to the competent labour authority which, in turn, organises a meeting with the employees concerned. Such meeting is directed by an inspector who signs the agreement along with the two parties.

The United Kingdom has a National Maritime Board which consists of six panels, one each for ship masters, navigating officers, engineer officers, radio officers, sailors and firemen (for deck and engine-room ratings) and for catering department ratings. Each of these panels consists of 12 representatives from the employers' side (the British Shipping Federation) and 12 from the relevant seafarers' organisations. Normally the panels function separately but when they sit simultaneously they constitute the National Maritime Board which has as one of its main functions "the establishment, revision and maintenance of wage rates and approved conditions of employment in the mercantile marine".

Negotiations in Israel are initiated when one party serves a written notice of its wish to terminate or alter a collective agreement two months prior to its expiry. These demands, and any counter-proposals are then discussed shortly after and usually result in a new agreement. If a deadlock occurs, the General Federation of Labour (to which the seamen's union is affiliated) is called in. In such cases the seafarers are represented by a panel which consists of the General Secretary of the Federation, the legal adviser of the Federation and the secretary of the union involved who may, in turn, call upon various members of his union to assist him. Depending on which company or which companies are involved, the structure of the shipowners' negotiating committee can vary somewhat.

In Brazil, a draft collective agreement can be put forward by either party. Once it is agreed upon it is submitted to the Labour Ministry for endorsement, whereupon it comes into force.

Negotiating procedures in India were described as follows. In the case of officers on foreign-going articles, bargaining takes place between the Maritime Union of India and a negotiating committee which represents all shipowners and is appointed on an ad hoc basis by the Indian National Shipowners' Association. The shipowners then enter into individual agreements with the Union on the basis of the agreement signed by the negotiating committee.

The terms and conditions of service of seamen on foreign-going articles are determined by the National Maritime Board which is a bi-partite body of shipowners and seafarers. The decisions of the National Maritime Board apply to all Indian as well as foreign shipowners employing Indian seamen. Individual agreements are not entered into between shipowners and the unions except on local matters.

In Bangladesh the terms and conditions of employment are fixed by a bi-partite maritime board on which seafarers and foreign shipowners are represented.

A few countries stated that the bargaining procedure consisted of giving notification of a wish to alter an existing agreement and, with this notification as a basis, bargaining between the two parties then took place. Further details were not provided. In France, Japan and Poland either party may initiate negotiations. In Mexico and the Netherlands the seafarers initiate negotiations. In the case of Mexico the notification of intent to bargain is made through the Labour Tribunal.

Negotiation procedures appear to be by legislation or other government instruments in Belgium, Czechoslovakia, Finland, Philippines, Portugal, Thailand, Tunisia, Turkey, Venezuela and Zaire. (A list of the relevant statutes referred to by various countries is shown in Table II.)

The following countries merely stated that the interested parties were involved in negotiations, and in some cases specified the participants: Argentina, Federal Republic of Germany, Ghana, Greece, Ireland, Italy, Ivory Coast, Liberia, Nigeria, Paraguay, Switzerland and Trinidad and Tobago.

No procedures for negotiation were described or specified in the case of Barbados, Colombia, Indonesia, Khmer Republic, Madagascar, Malaysia, Mauritius, Morocco, Panama, Singapore and Spain.

## TABLE II

## LEGISLATIVE OR OTHER TEXTS GOVERNING PROCEDURES FOR NEGOTIATION OF COLLECTIVE AGREEMENTS

| Country | Titles of legislative or other texts |
|---|---|
| Belgium | Act of 5 December 1968 on collective agreements and joint committees. |
| Canada | Industrial Relations and Disputes Investigation Act, 1948. |
| Chile | Labour Code, Part I and other unspecified texts. |
| Czechoslovakia | Labour Code, Article 20.<br>Notification of the Central Council of Trade Unions on Collective Agreements. |
| Finland | Collective Agreements Act S.A. 436/46.<br>Act respecting Conciliation in Labour Disputes, S.A. No. 420/62.<br>Order respecting Conciliation in Labour Disputes, S.A. No. 510/62.<br>Act and Order respecting the Labour Court, S.A. No. 437/46 and 834/46. |
| Honduras | Chapter XIII, Part IX of the Labour Code. |
| Khmer Republic | Maritime Labour Code (in preparation). |
| Malta | Conciliation and Arbitration Act, 1948. |
| Portugal | Legislative Decree No. 49212 of 28 August 1969. |
| Tanzania | Permanent Labour Tribunal Act, No. 41 of 1967. |
| Tunisia | Part V of the Maritime Labour Code.<br>Decree No. 68289 of 12 September 1968.<br>Decree of 16 July 1970.<br>Article 127 of the Maritime Labour Code. |
| Turkey | Act No. 275 on collective labour agreements, strike and lockout. |
| Uruguay | Act No. 10449 of 1943 (Article 20 and Regulations concerning it).<br>Ministerial Resolution of 26 November 1969. |
| Venezuela | Labour Law. |
| Zaire | Order No. 5/65, giving effect to Ordinances 250 and 122 on collective bargaining. |

7.(b) How often do negotiations take place, and what is the usual period of validity of agreements reached?

In over half of the countries answering this question, including all of the major maritime nations, collective agreements appeared to be normally valid from one to two years. Bangladesh, Brazil, Chile, Czechoslovakia, France, Greece, Israel, Japan, Netherlands, Peru, Thailand and Uruguay noted one year as being the usual duration of collective agreements involving seafarers; it is two years in the case of Belgium, Denmark, Finland, Honduras, Kenya, Italy, Mexico, Norway, Paraguay, Spain, Sweden, Switzerland and Turkey. Argentina, Guyana, Ireland and Portugal specified one or two years, and Canada, Ghana and India two to three years.

In the Federal Republic of Germany, wage agreements in recent years have been signed for one year, while general agreements relating to conditions of work have a validity of several years.

In the United Kingdom, negotiations for major revisions of pay and conditions have, in recent years, taken place annually. However, it is not the practice to make agreements valid for a fixed term.

In the United States contracts usually run for three to four years. They may contain an annual contract reopening provision and also specify certain improvements to become effective on prospective contract anniversaries. A contract period of three years or more also seems to be prevalent in Ghana, Morocco, Trinidad and Tobago and Venezuela.

The Labour Code of Panama stipulates that collective agreements are concluded for a minimum of one year and a maximum of four years.

There is a provision in the Maritime Labour Code of Tunisia to the effect that collective agreements can be concluded either for an indeterminant duration, or for a specified duration not exceeding five years. In Australia, Colombia, Iraq, Ivory Coast, Liberia, Malta, Malaysia, Poland, Senegal and Tanzania, collective agreements are also for an indeterminate period and bargaining takes place when necessary.

Either the question was not applicable or no specific details were given for Barbados, Indonesia, Khmer Republic, Madagascar, Mauritius, Nigeria, Philippines, Singapore, Sri Lanka and Zaire.

7.(c) What are the questions normally covered by these negotiations and agreements?

According to most countries, collective bargaining between employers and employees, where it exists, usually involves wages and other terms and conditions of service. In some cases the latter simply cover working conditions, while others, may include such items as hours of work, holidays, union recognition and security, manning, grievance procedure, safety and health and welfare provisions.

Chile and Turkey specify that financial questions form the subject matter of negotiations and collective agreements.

For the following countries there was not sufficient information or the question of collective bargaining was not applicable: Barbados, Indonesia, Ivory Coast, Khmer Republic, Madagascar, Mauritius, Panama, Singapore, Sri Lanka and Zaire.

## Adjustment of Differences within Shipping Companies

8.(a) Do collective agreements contain provisions establishing a procedure for adjusting grievances arising under the agreements? If so, please describe the procedure

Considerable similarity exists in the grievance procedures established under collective bargaining in a number of maritime countries, especially the initial steps, which typically include notification of grievances and machinery for their disposal at successively higher levels involving the seafarer and/or representatives of his union and officers of the ship and/or representatives of the management

organisation involved. This seems to be the practice in Australia, Canada, Denmark, Finland, Ghana, Honduras, India, Israel, Mauritius, Mexico, Nigeria, Philippines, Switzerland, United Kingdom and United States. It is also true in Norway for collective agreements covering ratings. Among these countries, however, there is considerable variation in the matter of final disposal of the grievance.

As a last resort, unresolved grievances in Australia, Canada, Denmark, India, Israel, Philippines, Switzerland and the United States are submitted to arbitration for settlement, such arbitration tribunals consisting of one or more individuals. The arbitrator(s) is generally chosen and agreed upon by the parties to the dispute, and failing such agreement he is appointed by the government. Typically, the decision of the arbitrator(s) is given in writing and is final and binding on the parties. In Ghana, the matter is referred by either party to the Minister of Labour. The same is true for Malta. The reply from that country did not, however, specify the earlier measures for processing a grievance.

In Finland, if agreement cannot be reached by the parties directly, the matter is submitted to the Labour Court for decision provided the question is within the competence of that Court. Otherwise it is submitted to an arbitration body which makes a final decision. Grievances not settled at the industry level in Norway may be brought before a court.

Collective agreements for Greek seafarers appear to contain provisions settling grievances by Greek consular or port authorities. If not resolved at this level they are handed to arbitration committees established according to the terms of the collective agreement. As a last resort, the parties may take the issue to court.

In the United Kingdom, after the initial stages involving the representatives of the shipowner and seafarer have been exhausted, resort is had to various steps involving the appropriate components of the National Maritime Board. Ultimately, the Department of Employment and Productivity can appoint an independent chairman to act in a conciliatory capacity.

Grievances in the Netherlands are brought to the notice of the employers' organisation by the seafarers' organisations. If the grievance appears to be justified, the shipowner concerned will be approached by his organisation in order that the grievance be alleviated or eliminated.

In the Federal Republic of Germany, grievances are normally processed under the provisions of the Maritime Labour Code. However, seafarers and shipowners have agreed to set up welfare committees to examine, on board ship, complaints relating to such questions as accommodation and food.

In Poland, all disputes arising over matters covered by the agreement are settled by a conciliation committee on request of the seafarer concerned or that of his trade union organisation. The conciliation committee is composed of employees of the company. Members are appointed in equal numbers by the Director of the company and by the union. An appeal can be made against the decision of the conciliation committee to the central management of the Seamen's and Docker's Union. If the individual still remains unsatisfied, court action can be taken. In Portugal collective agreements provide for the setting up of corporation committees, under the chairmanship of a representative of the Ministry of Corporations, for the purpose of conciliation in labour disputes.

It should be noted that in the case of a number of the above replies it was not always clear whether grievance procedures were actually contained in collective agreements or if they were provided for through legislation or other mechanisms.

In addition, for a number of countries there appeared to be such provision in collective agreements but there was little or no information on the procedures involved. This was so from replies received from Argentina, Bangladesh, Chile, France, Guyana, Ireland, Italy, Japan, Liberia, Morocco, Paraguay, Spain, Thailand, Trinidad and Tobago, Tunisia, Turkey, Venezuela and Zaire.

It seems that no such provision exists in collective agreements, or the question is not applicable because of virtual absence of collective bargaining, in the following countries: Barbados, Belgium, Brazil, Colombia, Congo, Cyprus, Czechoslovakia, Dahomey, Gabon, German Democratic Republic, Indonesia, Iraq, Ivory Coast, Kenya, Khmer Republic, Madagascar, Malaysia, Panama, Peru, Senegal, Singapore, Sri Lanka, Tanzania, Uruguay and Viet-Nam.

8.(b) In the absence of collective bargaining provisions, what are the sources of regulations concerning the adjustment within shipping companies of the grievances of individual seafarers or groups of seafarers (not involving general claims for changes and improvements of conditions of employment)? Please describe the procedure

It would seem that the question is not applicable to many countries: Australia, Dahomey, Finland, Gabon, Ghana, Greece, Honduras, India, Indonesia, Ireland, Israel, Italy, Japan, Khmer Republic, Mauritius, Nigeria, Norway, Paraguay, Poland, Portugal, Singapore, Sri Lanka, Sweden, United States, Venezuela and Viet-Nam.

Legislation and a variety of legal procedures for adjusting grievances were indicated for Bangladesh, Belgium, Brazil, Colombia, Cyprus, France, Iraq, Kenya, Madagascar, Netherlands, Philippines, Spain, Thailand and Uruguay, but in none of these cases was any information given on the procedure involved.

In a number of countries where there are no collectively bargained grievance procedures available, some machinery does seem to exist for resolving such matters and generally consists of one or more of the following: the grievance can be examined and settled at various levels by shipowner and seafarer representatives, or it can be brought before the courts or be dealt with by an arm of the government or maritime authority.

The replies from Argentina, Barbados, Czechoslovakia, Guyana, Ivory Coast, Liberia, Malaysia, Malta, Mexico, Morocco, Panama, Peru, Switzerland, Trinidad and Tobago and Turkey did not make it clear if recourse to the above procedures was mandatory or whether it existed because of some informal agreements.

Merchant shipping legislation in Canada and the United Kingdom contains provisions for redress of grievances of seamen employed on a ship registered in those countries relating to such matters as the amount payable to a seaman, provisions, water and other conditions on board the ship. They also set out the master's responsibilities in such matters and can contain penalties for non-compliance.

Similarly, the Danish Seamen's Act includes provisions on the contracts of service of the shipmaster and crew, their rights and obligations, and where necessary, final settlement before the courts.

In Tanzania, workers' committees, which are statutorily established at the company level, have the power to negotiate with management in adjusting grievances. Failing agreement either party may utilise the trade dispute settlement procedure contained in labour legislation, or the matter may be settled by the Shipping Master who is empowered by merchant shipping legislation to intervene in disputes and to make decisions, especially in questions dealing with wages.

A joint committee established under the Maritime Labour Code of Tunisia provides a forum for examination and settlement of grievances.

Labour legislation in Chile provides that individual complaints be processed according to rules set down for each undertaking, the text of which much be approved by the appropriate labour authorities.

Replies from Congo, Federal Republic of Germany, Senegal and Zaire quoted extensively from relevant statutes.

## Settlement of Disputes

9.(a) Are there procedures or arrangements agreed to between shipowners' and seafarers' organisations or between individual shipowners and seafarers' organisations for the settlement of:

(i) disputes in general; or

(ii) disputes arising from failure to conclude collective agreements; or

(iii) disputes over grievances not settled within their shipping company?

(b) If so, please describe the arrangements.

(c) What percentage of disputes are normally settled through such arrangements?

In Australia, the major instrument relating to wages and conditions of employment is the Maritime Industry Sea-Going Award 1973, much of which has been arrived at by a process of collective bargaining before being made into an Award. It provides that all individual matters and disputes should be subjected to consideration by the particular union delegate and the master of the particular vessel and these officers should refer the matter to the local union Branch and employer's office. If the matter cannot be resolved at that level, the dispute is to be referred to the Federal Secretary of the Union and the Chief Industrial Representative of the employer. Matters arising at federal level are discussed between the above federal bodies and if no solution can be reached, the dispute is referred to the Conciliation and Arbitration Commission for determination. Matters not resolved between the parties and referred to the Commission are first dealt with by a Conciliator who seeks to settle the dispute by reason and persuasion. If this is unsuccessful the matter is then fully investigated by arbitration. A decision is eventually issued which binds the parties.

In Zaire, there is a joint committee for the resolution of disputes arising between the Congolese Maritime Company and its workers, and it seems that virtually all disputes are settled through reference to this body. Where there is a deadlock, which occurs only infrequently, the dispute can be referred to the Labour Inspectorate.

Voluntary arrangements exist between shipowners and seafarers for the settlement of disputes in Denmark and these can be supplemented by certain forms of government intervention. The procedure varies, depending on the nature of the dispute.

Questions of interpretation may be brought before an arbitration court set up between the Danish Shipowners' Association and the seafarers' organisation concerned. In principle, the court is subject to the following procedure: each of the organisations elects two members, and a chairman is elected between them. Efforts are first made to settle the dispute through mediation. Failing this, a decision of the arbitration court is made by simple majority and such award is final and binding on both parties, and not subject to appeal to any court.

In the event of a dispute about an alleged breach of agreement, which in Danish labour law is distinct from questions of interpretation, it may, where rank-and-file deck and engine crews are concerned, be brought before the Labour Court. The composition of this special court is as follows: each of the central employers' and workers' organisations elects three judges, one being a member of the legal profession. These judges elect the officers of the court: four legal judges, normally from the higher courts of the country. At first, efforts are made to settle the dispute with the assistance of the Labour Court. In the event of failure to reach a settlement, the case is heard by the Court, which is presided over by a judge from among the officers of the Court and three judges from each side. The award of the Labour Court is final and binding on both parties.

As regards the organisation of ships' officers, the collective agreement between the Danish Shipowners' Association and the respective officers' associations contain rules about the appointment of an arbitration court for the handling of alleged breaches of the agreement. The procedure of such an arbitration court is the same as that of the Labour Court. Recourse to these procedures is obligatory.

In principle, the parties negotiate their collective agreements without government intervention. However, where the parties fail to reach agreement on a new contract, either party may bring the matter before a conciliation board established under the Labour Disputes Conciliation Act.

In the maritime industry of the Federal Republic of Germany parties to agreements have, in order to facilitate the conclusion of collective agreements, agreed upon a conciliation procedure applicable in cases where no agreement is reached during contract negotiations. This procedure involves two stages, in the sense that it provides for two conciliation bodies, the first comprised of three representatives of each of the two parties, and the second of five. Also, shipowners and seafarers have agreed that unresolved disputes can be referred to an arbitration tribunal instead of involving government intervention, and somewhat extensive use has been made of this procedure in recent years.

The procedure in Honduras is contained in the collective agreement concluded between the Honduran Shipping Company and the Seafarers' Union of Honduras. Essentially it provides that any dispute be submitted to two arbitrators, one nominated by each party, who together nominate a third. Failing agreement on the nomination of the third arbitrator, or if either side fails to nominate an arbitrator, such nominations will be made by the head of the Military Department of the Port of Honduras where the ship is due to arrive. The decision of the arbitrators is final with no possibility of appeal. If the ship remains at sea for a prolonged period the dispute is submitted abroad to an official whom the Government of Honduras selects and his decision has the same effect as that of an arbitrator.

The reply from Japan reported the existence of extensive arrangements between shipowners and seafarers for the resolution of disputes. With regard to disputes in general, the peace clause in the labour agreement describes that during the valid period of the agreement, shipowners' and seafarers' organisations will refrain from strike or lockout action with respect to disputes on the matters provided for in the agreement, and that in the adjustment for such disputes either party may apply for mediation or conciliation to the Labour Relations Commission for Seafarers. In connection with disputes over failure to conclude a collective agreement, the dispute clause in the labour agreement prescribes that the intention to strike or lockout must be communicated to the other party in writing at least 48 hours beforehand, and in case a strike is called by directive of the union, the chairman on board ship must notify the master in writing of the dates of starting, suspension or termination of the strike.

For disputes arising from unresolved grievances, the settlement-of-grievance clause in the labour agreement provides that the union official or the shop steward must, when he deems a grievance reasonable, consult with the competent personnel of the company in an effort to settle the grievance rapidly and that the result of such consultations must then be transmitted to the person in question. Where the latter is dissatisfied with the result, he may ask a labour-management committee to reconsider the matter. Almost all disputes have been settled by use of the above procedures.

The arrangements for the settlement of disputes in the United Kingdom, as agreed to between shipowners and seafarers, consist basically of the following: where possible, all disputes are handled by representatives of the owners and seafarers, or by the National Maritime Board where necessary. The National Maritime Board has established 18 district panels, known as district maritime boards, each consisting of up to 12 representatives on each side appointed by the British Shipping Federation and the National Union of Seamen. In some ports, as may be mutually agreed, one or more representatives of each side of the district panel may be appointed as port consultants to whom differences would be referred in the first instance. If they are unable to bring about a settlement the question is referred to the district panel and, if necessary, to the appropriate panel of the National Maritime Board. If the National Panel fails to agree, provision has recently been made for the Department of Employment and Productivity to appoint an independent chairman to act in a conciliatory capacity. There are no district panels for officers, differences being normally dealt with on a company basis with final recourse to the National Maritime Board. In recent years only two disputes have necessitated recourse to bodies outside the National Maritime Board.

In Canada, Finland, Greece, Israel, Liberia, the Netherlands, Nigeria, Norway, Portugal, Spain, Switzerland, Trinidad and Tobago, Turkey and the United States the only dispute settlement procedures agreed upon by the parties appear to be those included in collective agreements for the resolution of grievances. Disputes arising over the failure to conclude collective agreements in these countries are generally resolved, if bilateral attempts fail, by government intervention which usually consists of one or more stages of conciliation, mediation and arbitration. Details of such machinery are contained in the next section under question 10.

In the USSR (and the Ukrainian SSR) labour disputes are considered by labour disputes committees, local trade union committees, and people's courts. All labour disputes are first considered within the shipping line in which they occur by special labour disputes committees on which managers and the seafarers' union are represented. In the event of disagreement between the seafarers and this committee, the matter is considered by the committee of the trade union, which is entitled to take decisions which are binding on management. Should a seafarer be dissatisfied with the decision taken by the trade union committee, the labour dispute is examined

in a people's court, in which event the seafarer in question incurs no legal expences. The Trade Union of Workers in the Sea-Going and River Fleets supervises observance of labour legislation in sea transport through its own technical inspectors, labour inspection committees set up on ships themselves, and general inspectors chosen at general meetings of ships' crews. The technical inspectors visit ships and give occupational safety instructions to which management must adhere; they can stop work on board ship if this is necessary for safety reasons, fine offenders and give evidence so that offenders may be held criminally responsible. On the proposal of the trade union, a foreman or manager who does not abide by the collective agreement and current labour legislation may be dismissed. There is in the USSR no legislation prohibiting strikes.

In Czechoslovakia, France, German Democratic Republic, Guyana, Ireland, Italy, Malta, Mexico, Peru, Singapore and Sweden most disputes seem to be settled by agreement between the two parties concerned. It was not stated whether there were special arrangements for handling the disputes and in some, there is the possibility of recourse to government assistance and intervention in case the parties failed to effect a settlement of the dispute.

Bangladesh, Paraguay and Uruguay reported that there were agreed procedures which could be employed to resolve disputes, but gave no details; Poland possesses similar arrangements but it is not clear whether they have been arrived at voluntarily by the parties or whether such arrangements have been instituted by government decree.

There are a number of countries for which there do not seem to be any agreed procedures or arrangements between shipowners and seafarers for the settlement of disputes, be they over failure to conclude collective agreements or over grievances not settled within their shipping company. These are Argentina, Barbados, Belgium, Brazil, Chile, Congo, Cyprus, Dahomey, Gabon, Ghana, India, Indonesia, Iraq, Ivory Coast, Kenya, Khmer Republic, Madagascar, Malaysia, Mauritius, Morocco, Panama, Philippines, Senegal, Sri Lanka, Tanzania, Thailand, Tunisia, Uruguay, Venezuela and Viet-Nam.

The replies from many of the above stated that the procedures for dealing with disputes of this sort were established by legislation rather than by bilateral agreement between labour and management.

10(a) Does the government intervene in disputes in the shipping industry through its general conciliation/arbitration machinery, or has it established special machinery for settling disputes in the industry? In either case, please describe the machinery, its scope and jurisdiction.

Recently enacted industrial disputes legislation in Australia, the Commonwealth Conciliation and Arbitration Act, 1904-1970, requires that as soon as an organisation or employer is aware of the existence of an industrial dispute or an industrial situation which is likely to give rise to an industrial dispute, the organisation or employer must notify a commissioner or the Industrial Registrar accordingly. The Act provides that the Commissioner may take such steps as he thinks fit for the prompt settlement of the dispute by conciliation or if in his opinion conciliation is unlikely to succeed or has failed, by arbitration. In the public interest, the Government of Australia may intervene in disputes by placing its view on certain matters before the Conciliation and Arbitration Commission and the Commonwealth Industrial Court. This would only happen where the issue was one of considerable importance and, in the Government's view, there was a need for the wider community interest to be represented as well as the particular interests of the various parties concerned. The Commission, like the Court, is quite independent of the Government; the Government's only avenue of influencing these bodies is to appear in a case and present its views on the issues in question. It is a matter for the Commission's (or Court's) discretion what weight to give the Government's views and, in practice, the Government's views are not always accepted and reflected in decisions.

As a first measure to bring about settlement of disputes in Denmark, there is provision for such disputes to be brought before a conciliation board established under the Labour Disputes Conciliation Act. Normally, the Conciliation Board first seeks to promote agreement through a continuation of the negotiations in the presence of a sub-conciliator appointed by the conciliator. Where no agreement is reached in this way, the conciliator may continue his efforts, and possibly submit

a draft settlement which the parties are under no obligation to accept. If these conciliation efforts are exhausted, and one of the parties has issued a lawful notice of a strike or lock-out, the Government may stop the imminent conflict by law, in view of its injurious consequences to the general community.

The enactment of such a law requires in each particular case the normal procedure of the Danish Folketing (Parliament); by way of example, the conflict may be stopped by giving force of law to the draft settlement.

Disputes in Ireland are normally settled by direct negotiation between the parties concerned, and the Government has not established special machinery for settling disputes in the industry. The Labour Court which was set up under the Industrial Relations Acts, 1946 and 1969, is a body consisting of representatives of workers and employers with an independent chairman. The Labour Court may investigate and issue recommendations on the merits of a dispute, whether over application of existing or signing of new agreements, but these recommendations are not binding on the parties unless the parties agree to abide by them beforehand. Reference of matters to the Labour Court is not obligatory.

Grievances of individual seafarers or groups of seafarers may also be investigated by a rights commissioner on a voluntary basis under the Industrial Relations Act, 1969. The type of dispute which may be referred to a rights commissioner is one arising from a right claimed by a worker under a custom or practice or perhaps stemming from an agreement including such matters as discipline, dismissals, demarkation or transfer. Recommendations by rights commissioners are not binding. The Industrial Relations Service of the Labour Court is also available to the parties to help them to come to an agreement in the case of a dispute, through voluntary conciliation.

The reply from Israel states that there are no agreed procedures for resolving disputes arising from failure to conclude collective agreements, but it is common practice to invoke the arbitration machinery specified elsewhere for the processing of grienvances. In addition, the Ministry of Transport may be called upon to assist in such disputes even though government intervention is not within the framework of the Settlement of Labour Disputes Law. Special machinery and provisions for settling disputes in the shipping industry are included in the proposed draft of the Shipping (Seamen) Law.

In Italy, in case of failure to reach agreement on a matter in dispute, the Ministry of Merchant Marine may consider the possibility of carrying out mediation between the parties.

In the case of the Ivory Coast the Government intervenes in disputes through its general industrial disputes machinery whereby every collective dispute is compulsorily submitted to conciliation, and if this fails it is handed on for mediation and arbitration. When the parties agree to submit a dispute to arbitration, they agree to execute the award and to refrain from strike or lockout during arbitration proceedings. When the parties cannot agree to arbitration within six days following the failure of conciliation, the parties designate a mediator or call upon a mediator from a list of persons designated to assume arbitration functions. The mediator has the same powers as an arbitrator. His findings are communicated to the parties, and if neither expresses any opposition the recommendation(s) has executory force.

The Government of Norway intervenes in disputes in the shipping industry through its general conciliation machinery. Under its labour disputes legislation, the State conciliator prohibits, in disputes over failure to conclude a collective agreement, any stoppage of work until conciliation proceedings have been exhausted if he considers that the stoppage of work would prejudice the public interest. If such proceedings are not successful, the parties may demand that they be terminated and the Chief Conciliator has to conclude them, at the latest, four days after the demand for termination was put forward. Another piece of legislation has established the National Wage Committee for Labour Disputes. This Committee intervenes in a dispute which has been placed before it by the parties jointly for voluntary arbitration, or when it has been ruled by a special law that the dispute must be settled through the wage committee procedure. A strike or a lockout may thus be avoided. A wage committee decision is in effect equivalent to a collective agreement.

General conciliation and arbitration machinery has been established in Tanzania to settle disputes in all industries, including shipping. On failure to

reach a settlement through bilateral negotiations, either party may refer the dispute to the Labour Commissioner who himself or through an appointed person attempts to bring about a settlement within a stipulated period. Matters which remain unsolved may be referred by the Minister responsible for labour matters to the Permanent Labour Tribunal for settlement. Any decision or award of the chairman of the Tribunal is final and has legal force upon the parties involved.

There is no special machinery for the resolution of disputes in the maritime industry in Turkey. Disputes involving failure to conclude a collective agreement and those arising over unresolved grievances are all referred to a conciliation committee and subsequently to arbitration. The parties concerned can decide on a strike or a lockout if they do not accept the decision of the arbitration committee. Where strikes and lockouts are forbidden, the parties can have recourse to legal or private arbitration. If the collective agreement contains clauses providing for recourse to private arbitration, the parties must accept the decisons of such arbitration.

In the United Kingdom, there is no special governmental machinery for settling disputes in the shipping industry, the normal general conciliation and arbitration machinery being used. This provides free conciliation and mediation by industrial relations officers of the independent Conciliation and Arbitration Service, and arbitration facilities by the Industrial Arbitration board, ad hoc boards of arbitration or single arbitrators, if both parties are willing to make use of them. In addition the Secretary of State for Employment and Productivity has power to appoint a court of inquiry to inquire into the causes and circumstances of a dispute and to report to him. Such powers are not normally used until an attempt has been made to settle the dispute by conciliation. The Terms and Conditions of Employment Act, 1959, gives representative organisations of employers or of workers the statutory right to invoke, through the Department of Employment and Productivity, the adjudication of the Industrial Court in cases where it appears to the organisations that the terms or conditions of employment which have been established are not being observed.

Generally in the United States no procedures exist for the settlement of disputes other than those prescribed in the grievance procedures contained in virtually all collective agreements. When major differences arise over the signing of a new contract, the assistance of the Federal Mediation and Conciliation Service can be invoked if either or both the disputant parties so request. They are not obliged to do so, however. Should the efforts of the FMCS fail to bring the parties to an agreement and a strike results, the provisions of the Labour-Management Relations Act can be brought to bear and by court actions suspend the strike for a "cooling-off" period of 80 days while the parties resume efforts to reach agreement. The provisions of the Labor-Management Relations Act concerning disputes have been invoked only three times in shipboard maritime disputes since the adoption of the law in 1947.

So far as the replies from the following countries are concerned, it seemed that the Government also intervenes in disputes in the shipping industry through its general conciliation/arbitration machinery. There is, however, no description of the machinery, its scope and jurisdiction: Argentina, Belgium, Brazil, Canada, Chile, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana, Guyana, Honduras, Kenya, Malaysia, Malta, Mexico, Morocco, Netherlands, Panama, Paraguay, Philippines, Poland, Portugal, Thailand, Uruguay and Venezuela.

In India the Central Government is empowered under the Merchant Shipping Act, 1958, to refer industrial disputes to a tribunal for adjudication. To date, however, there has been no such reference. The Government has no other special machinery to intervene in disputes of the shipping industry, although the officers of the Directorate-General of Shipping are often utilised in settling disputes.

The Government of Japan has established a special tripartite Labour Relations Commission for Seafarers. This Commission has power to mediate, conciliate and arbitrate in labour disputes in the shipping industry, but it is not obligatory for the parties to appeal to this machinery. Where arbitration is involved, awards and decisions have the same validity as the labour agreement itself. In Zaire the Labour Code provides for conciliation procedures through meetings between the labour inspector and representatives of the parties to the dispute. In case of failure to reach agreement, the dispute is referred by the labour inspector to a specially established mediation committee under the chairmanship of the president of a court of first instance.

In a few other countries there also seems to be special machinery, established to settle disputes in the shipping industry, which generally involves conciliation procedures and arbitration of unresolved matters. This is so for Dahomey, Indonesia, Madagascar, Mauritius, Tunisia and Viet-Nam.

In Senegal general and special machinery appears to be available for resolving disputes in the shipping industry. The replies from the following countries did not specify whether the Government intervened in disputes in the shipping industry, or whether such intervention was through its general conciliation/abitration processes or by means of specially enacted measures: Bangladesh, Barbados, Czechoslovakia, German Democratic Republic, Greece, Iraq, Khmer Republic, Liberia, Peru, Singapore, Sweden and Switzerland.

10(b) If a distinction is made between disputes over failure to conclude a collective agreement and those arising from the interpretation and application of collective agreements, awards, etc. or over unsettled grievances, please describe the machinery and procedure for each of these two types of disputes.

Only a few countries noted that such a distinction is made. Questions in connection with the conclusion of renewal of collective agreements in Argentina are dealt with by joint committees established under legislation. A government official acts as chairman of these committees and also acts in the capacity of conciliator and mediator.

Legislation similarly provides for the setting-up of what are known are joint interpretation committees which have authority, upon request of one of the parties or of the labour authority, to interpret collective agreements. Any decisions reached by this committee may be appealed against if not adopted unanimously.

The Conciliation and Arbitration Commission in Australia has power to make awards, but not to decide questions of interpretation. A separate body, the Commonwealth Industrial Court, is empowered to deal with questions of interpretation. In practice, however, the opinion of a member of the Commission on a question of interpretation is often solved and voluntarily accepted by both sides.

The Industrial Relations and Disputes Investigation Act of Canada prescribes the manner of negotiations in the shipping industry. Essentially this legislation provides for government intervention by means of compulsory conciliation should a dead-lock in negotiations occur. If the dispute remains unresolved the Government, under this legislation, may bring to bear mediation and arbitration measures before a strike or lockout can occur, and in exceptional circumstances the Government can introduce special measures before Parliament to end such a dispute. The same industrial relations legislation stipulates that every collective agreement must include a grievance procedure providing for final settlement, without strike or lockout, of differences arising over its meaning or violation.

In Greece there also seems to be a distinction made between the two types of dispute. Those arising over the application of collective agreements are handled in accordance with establish grievance procedures. Where there is a dead-lock in negotiations over a new collective agreement the Minister of the Merchant Marine can, upon authorisation of the Council of Ministers, either prolong the period of validity of the agreement, or fix new clauses. There also seems to be recourse to tribunals.

Malaysia makes a distinction between disputes over unresolved grievances and those concerning failure to conclude a collective agreement. The former are referred to the Industrial Court for disposal while the latter are submitted to conciliation.

The Labour Disputes Act of Norway makes such a distinction also. As noted in another section, disputes over failure to conclude a collective agreement can involve the State Conciliator and/or the National Wage Committee for Labour Disputes. Where there is a sharp division over the interpretation and application of an agreement such a dispute may, on agreement between the two parties, be submitted to private arbitration of be settled through the Labour Court.

Paraguay, Portugal and Spain replied that a distinction was made between these two types of dispute, but provided no details. The way in which Denmark makes such a distinction is given in some detail under question 9.

There does not appear to be a distinction made between disputes over failure to conclude an agreement and those over unresolved grievances in Ghana, Guyana, India, Iraq, Japan, Kenya, Malta, Morocco, Panama, Philippines, Tanzania, Thailand, Turkey, United Kingdom, Venezuela and Zaire.

Whether or not there is such a distinction was not specified in the case of the following countries: Bangladesh, Barbados, Belgium, Brazil, Chile, Czechoslovakia, Dahomey, Ethiopia, Finland, France, Gabon, German Democratic Republic, Federal Republic of Germany, Honduras, Indonesia, Ireland, Ivory Coast, Khmer Republic, Liberia, Madagascar, Mauritius, Mexico, Netherlands, Panama, Peru, Poland, Senegal, Singapore, Sweden, Switzerland, Tunisia, United States, Uruguay and Viet-Nam.

10(c) Is it obligatory for the parties to have recourse to this machinery? If so, in what cases.

Canada, Ivory Coast and Morocco replied that the parties to a dispute must have recourse to the above-specified machinery in the case of all industrial disputes. In Brazil, Greece and Norway, it is mandatory to make use of the machinery provided for the resolution of disputes arising from the failure to conclude an agreement; in Indonesia and Malaysia this obligation applies to disputes stemming from unresolved grievances.

In the Philippines, if a company institutes a lockout without first having bargained in good faith, any affected employees are entitled to back-pay. If unions refuse to bargain collectively or strike without having referred the dispute for government intervention, the Court of Industrial Relations can deny to such union all rights and privileges under the Act, and an employee loses his status as an employee.

In Honduras, use of such machinery is compulsory only where the public service and interests are involved while in Tanzania, once a trade dispute is reported, registered and referred to conciliation, it is obligatory that the parties concerned adhere to the disputes settlement machinery provided.

A number of other countries similarly reported mandatory reference of disputes to the machinery provided but gave no details of the cases in which such obligation existed. These were Argentina, Australia, Denmark, Finland, France, Ghana, Iraq, Kenya, Madagascar, Senegal, Switzerland, Turkey and Venezuela. In a number of the foregoing, this obligation arises out of the fact that strikes and lockouts are not permissible unless there has been exhaustive use of negotiations and the provisions of the respective items of trade disputes legislation.

There does not appear to be any obligation for the parties to a dispute to have recourse to machinery established to handle unresolved matters in Belgium, Chile, Ethiopia, Gabon, Federal Republic of Germany, Guyana, Ireland, Italy, Japan, Malta, Mauritius, Panama, Paraguay, Poland, Portugal, United Kingdom and the United States, while in the case of the following countries there is no indication whether or not such obligation exists: Bangladesh, Barbados, Czechoslovakia, Dahomey, India, Khmer Republic, Liberia, Mexico, Netherlands, Peru, Singapore, Sri Lanka, Sweden, Thailand, Tunisia, Uruguay, Viet-Nam and Zaire.

10(d) In cases of arbitration, what is the legal effect of awards and decisions?

In Guyana arbitration is, in most cases, voluntary and the parties normally agree that the awards should be final and binding. They are, however, not legally enforceable. The awards of compulsory arbitration under the Public Utility Undertakings and Public Health Services Arbitration Ordinance are legally enforceable. In the Philippines, however, awards of voluntary arbitration are final whereas the decisions of compulsory arbitration can be appealed against.

India reports that in cases of adjudication, the award is binding for a year and continues to remain in operation until a period of two months has elapsed from the date on which notice has been given by any party bound by the award to the other party or parties intimating its/their intention to terminate the award.

In both Ireland and Madagascar, recommendations of the Labour Court are not binding unless the parties agree that this will be the case. The legal effect of

awards and decisions in norway is the same as a decision by the courts, while decisions of the National Wage Committee have the same force as provisions of a collective agreement.

In Paraguay no appeal is possible against such a decision for one year unless there are variations of a socio-economic character which affect labour relations or the workers covered by such a ruling.

For the United Kingdom, awards of the Industrial Arbitration Board, ad hcc boards of arbitration or single arbitrators are not legally binding on the parties, nor are recommendations made by courts of inquiry to the Secretary of State who has no power to impose them on the parties. In the case of claims made under the Terms and Conditions of Employment Act, 1959, an award by the Industrial Court becomes an implied term of the contract of the workers covered by the award.

In Viet-Nam awards and decisions have the value of recommendations rather than the force of law. The contrary is the stated practice in Greece, Japan, Kenya, Turkey and the United States, as well as in Argentina and Malta where such awards have validity for at least one year from the date of award, and in Honduras, where the period of validity may not exceed two years.

In France, if the conciliation agreement or arbitration award concerns the interpretation of the clauses of an existing collective agreement, wages or the terms and conditions of service, such agreement or award will have the same force as a collective labour agreement.

Awards and decisions are legally binding in Australia, Canada, Chile, Denmark, Ethiopia, Ghana, Indonesia, Iraq, Ivory Coast, Liberia, Malaysia, Mexico, Morocco, Netherlands, Panama, Switzerland, Tanzania, Venezuela and Zaire. In most of these, in addition, there is no possibility of appeal.

Belgium and Poland stated that there was no arbitration system, while in the following maritime nations the legal status of awards and decisions was not indicated: Bangladesh, Barbados, Brazil, Czechoslovakia, Dahomey, Finland, Gabon, Federal Republic of Germany, Italy, Khmer Republic, Mauritius, Peru, Portugal, Senegal, Singapore, Sweden, Thailand, Tunisia and Uruguay.

11(a) Under existing regulations do seafarers and shipowners have the right to strike or lockout? If so, please describe the extent of this right or the conditions under which it can be exercised.

Only when all normal and recognised bargaining channels, including conciliation and arbitration machinery, have been exusted do seafarers in Argentina, Canada, Ghana, Ivory Coast, Madagascar, Panama, Philippines, Tanzania and Trinidad and Tobago have the right to strike. For Chile, there is the added stipulation that such action not be in conflict with the public interest.

In principle seafarers and shipowners in Norway have the right to strike or lockout. When a strike or lockout is decided upon as a result of disputes over failure to conclude a collective agreement, the Labour Disputes Act prescribes that the Chief Conciliator must be informed of this at once. The strike or lockout may not commence until the expiration of the collective agreement, and at any rate not earlier than four working days after the day on which the Chief Conciliator received information of the intended strike or lockout. The Chief Conciliator prohibits strike or lockout action until conciliation attempts have been exhausted. If the conciliation proceedings are not successful, the parties may then proceed with a strike or lockout. However, the National Assembly may at this stage pass a law requiring the matter to be referred to the National Wage Committee which will make a decision on the dispute. In accordance with the Labour Disputes Act, disputes over an interpretation etc. of a collective agreement, or over claims based on a collective agreement, may not be settled through strike or lockout. Such disputes are dealt with by the Labour Court.

In Australia, registration as an industrial organisation of employers and workers, which involves acceptance of the machinery of conciliation and arbitration for the prevention and settlement of industrial disputes, imposes restriction on the right to strike or lockout and, in certain circumstances, penalties may be applied to registered organisations which are involved in strikes or lockouts. In relation to the majority of seamen, the current award prohibits bans, limitations or restrictions upon the performance of work in accordance with the award.

In practice, however, stoppages have occurred but only when vessels are in port. In recent years they have rarely lasted for more than a day or two and have ended when the matters in dispute have been dealt with through the conciliation and arbitration machinery. The lockout is not used by shipowners in Australia if direct negotiations fail. In such cases they inform the Conciliation and Arbitration Commission of the existence of a dispute.

In a number of other countries, the right to strike or lockout exists and may be exercised after notification of a specified number of days of intent to do so has been given to the other party and/or the appropriate government body. For example, in Finland a strike or lockout may be initiated under the Labour Disputes Conciliation Act if a written warning has been communicated to the State Conciliator and the other party concerned at least two weeks prior to the anticipated action, indicating the causes for the proposed strike or lockout or for its extension, the date of its beginning and its extent.

Seafarers and shipowners in Japan have the right to strike or lockcut. However, when it is their intention to do so, they must notify the Labour Relations Commission for Seafarers and the Minister of Transport or Director of the District Maritime Bureau to that effect at least 10 days before the day on which they intend to take action.

Under the legislation of Israel, written prior notice of any intention to strike or lockout must be submitted to the Ministry of Labour at least 15 days before such strike or lockout commences. Subject to the aforesaid, there is no restriction in law against strikes or lockouts. According to the statutes of the Federative Seamen's Union of Israel, the only body authorised to proclaim a strike is the general board meeting of the Federation. In special cases where such a meeting cannot be convened in time, a secretary of a union may declare a strike, provided he does so in co-ordination with the general secretary of the Federation, and provided it is done in accordance with the statutes of the General Federation of Labour to which the Seafarers' Federation is affiliated.

Both parties in Denmark have the right to strike or lockout where agreement cannot be reached about the negotiation of a new collective agreement. However, no stoppage of work may take place during the currency of a collective agreement except in the event of suspension of pay or where regard for life, welfare or honour afford a compelling ground for stopping the work. Any such stoppage of work must be confined to ships lying in or arriving at a Danish port. The rules governing notice of a lawful dispute follow the principles stated below:

(a) a decision to suspend work must be adopted by the competent assembly of the organisation concerned with three-quarters of the votes cast;

(b) the intention of either party to submit a proposal for a stoppage of work to the competent assembly must, where ships' officers are concerned, be notified to the other party not later than one month before the intended commencement of the stoppage, and not later than 14 days where rank-and-file deck and engine crews are concerned;

(c) the decision of the competent assembly must be communicated to the other party not later than 14 and 7 days respectively before the date of the intended commencement of the stoppage of work.

The right to take industrial action and the conditions under which it may be exercised in Liberia, Malaysia and Mexico seem to be similar to the Danish.

In France, the Federal Republic of Germany and Paraguay the main limitation on the exercise of these rights seems to be a requirement that such action should not be in conflict with the public interest. This also seems to be so for Belgium, with the added requirement of 14 days' notice being given.

Ghana, Iraq and Kenya stated that the exercise of such rights was regulated by the standards of industrial relations legislation.

In all of the above-mentioned countries, as well as in Honduras, India and the United States, strikes or lockouts are not allowed during the closed period of a contract, and in a number it is stated that seafarers may not strike when a ship is on the high seas or in a foreign port, but only in a home port when the cargo is secure.

Under existing regulations in the United Kingdom there are restrictions on the right of seamen to strike. The Merchant Shipping Acts contain a balanced code setting out the rights and obligations of employers, masters and seamen, but in framing this legislation it was not considered practicable to recognise a right for seamen to withdraw their labour while a ship is at sea or is not secure.

Under the provisions of the Merchant Shipping Act, 1970, adopted in 1973, a seaman employed on a ship registered in the United Kingdom can terminate his employment after giving the master not less than 48 hours' notice of his intention to do so, and cannot be compelled (unless the notice is withdrawn) to go to sea in the 48 hours following the giving of such notice. Such a notice is of no effect unless at the time it is given the ship is in the United Kingdom and securely moored in a safe berth, and seafarers will be liable to be prosecuted for strikes in foreign ports.

The right to strike and lockout exists in Sweden, but not during the period of validity of the collective agreement. Those employed on board must, however, under the Seamen's Act in force, first resign from their employment and sign off in a permitted port.

In the following countries there seems to be a right to strike and lockout, but details of the conditions under which this right may be exercised were not given: Colombia, Czechoslovakia, Ethiopia, Greece. Guyana, Ireland, Italy, Malta, Mauritius, Morocco, Netherlands, Poland, Senegal, Thailand, Turkey, Uruguay, Venezuela and Viet-Nam.

In Panama there is a right to strike but not to lockout.

There does not seem to be any right to strike or lockout in 15 or so of the countries replying to the questionnaire.

11(b) If seafarers are not allowed to strike, what procedure is followed to enable them to obtain a fair settlement of their demands or claims?

For almost all other countries responding to the questionnaire the above question was not applicable. In Brazil, Cyprus, Philippines and Switzerland settlement of demands or claims is effected through bargaining, and in Gabon, Khmer Republic, Nigeria and Portugal there appears to be some possibility of achieving settlement through the intervention of the Government.

12. Please indicate the major industrial disputes in the shipping industry of your country during the last 10 years, particularly those which involved work stoppages, indicating how they were settled and the methods applied to reach such settlements.

A majority of countries reported that there have not been any major disputes, especially leading to a work stoppage, in shipping in their countries in the last 10 years, and only in the following countries were there disputes of any significance indicated.

One major dispute occurred in France (resolved through tripartite negotiations), the Netherlands (settled by a bipartite committee with an independent chairman) and Venezuela (resolved by arbitration). In none of these cases was a works stoppage indicated.

In the United Kingdom a national work stoppage was only brought to an end through the appointment of a Court of Inquiry whose conclusions formed the basis of the new Merchant Shipping Code of 1970. Single disputes involving strike action were reported by Argentina (settled by decree establishing a study committee), Colombia (no details of how settlement was effected), and Guyana (where the dispute was referred to a commission of inquiry).

The two instances of strike action noted by Finland were resolved by intervention of State Conciliators. Gabon had three disputes, also settled through participation by the Labour Ministry, but whether or not work stoppages occurred was not indicated.

Three disputes, all involving work stoppages, were also reported by Australia, Denmark, Japan and the United Kingdom. In Australia one dispute was settled between

the parties concerned and the two others resolved by the Arbitration Commission. In Japan they were settled by the parties themselves, aided to only a minor extent by conciliation efforts by the Government. The strikes in Denmark all occurred after attempts by a conciliation board failed to produce a settlement. Direct government intervention which, in effect, imposed a settlement was finally resorted to.

The five strikes noted by Chile were all settled by mediation. Of the ten disputes reported by Canada, five were resolved through efforts of a conciliation officer or board, four resulted in strikes which were terminated through extensive government mediation, and one strike lapsed when the Government created a board of trustees to govern the affairs of certain maritime unions.

Over the past 10 years in the United States there have been 59 instances of work stoppage, of widely varying durations. For the most part these disputes were settled by continuing negotiations between the parties, frequently aided by the Federal Mediation and Conciliation Service.

There was an unspecified number of disputes reported by Brazil, Greece, Italy, Mexico, Norway, Philippines and Turkey, none of which involved work stoppages. Government intervention seems to have been required to settle some of these disputes. It was also resorted to in the settlement of an unspecified number of disputes and strikes in Morocco and Uruguay.

There were no disputes reported in Bangladesh, Barbados, Belgium, Congo, Cyprus, Czechoslovakia, Dahomey, Ethiopia, German Democratic Republic, Federal Republic of Germany, Honduras, India, Indonesia, Iraq, Ireland, Israel, Ivory Coast, Kenya, Khmer Republic, Liberia, Madagascar, Malaysia, Malta, Mauritius, Nigeria, Panama, Paraguay, Peru, Poland, Portugal, Senegal, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Tanzania, Thailand, Trinidad and Tobago, Viet-Nam and Zaire.

## Consulation and Co-operation

13(a) What arrangements, if any, exist for consultation and co-operation between shipowners and seafarers at the company or industrial level? Please indicate whether these arrangements have been established by collective agreements, by legislation or by some other method.

Such arrangements, established in conformity with the requirements of legislation, seem to exist in Belgium, Denmark, Indonesia, Iraq, Liberia, Tanzania, Uruguay and Zaire.

In Chile, Guyana, India, Japan, Malaysia and the United States informal joint meetings between shipowners and seafarers are held when and if necessary. Facilities for consultation, where they exist, are established by collective agreement in Canada, Netherlands, Sweden, Switzerland, Trinidad and Tobago and Turkey.

The replies from Israel and the United Kingdom seem to indicate that there are quite extensive consultative arrangements, established over time, to consider a wide range of personnel matters at the industry level, and also at the company level when required.

In France numerous bodies have been set up at both the company and the industry level to facilitate consultation and co-operation between shipowners and seafarers. At the company level the works committee established by law and composed of elected representatives of the employees is designed to enable employees and management to co-operate in the improvement of employment and working conditions of the employees and their living conditions in the company. This committee is consulted on general problems concerning vocational training and advance training and their adaptation taking into account the evolution of techniques. It also provides for or supervises running of all the welfare schemes established in the company for the benefit of the employees and their families. In some companies there are joint works committees and at the industry level various national or regional commissions, such as the national tripartite Merchant Navy Employment Commission.

Under an Act passed in 1972 in the Federal Republic of Germany a ship's committee (Bordvertretung) must be established on board every ship that has at least

five crew members who are eligible under the appropriate provisions of the Act. Membership of the ship's committee may vary from one to five representatives depending on the size of the crew. These committees are responsible for consultation and co-operation on board ship between representatives of the shipowner and the seafarers, within the limits laid down by the Act. At the industry level, the 1972 Act also instituted fleet works councils (Seebetriebsrat) whose functions and responsibilities are similar to those of the French works committees.

In Australia, a tripartite Marine Council, established by the Transport Ministry, is called upon to examine and decide upon a wide range of labour-management matters. Ghana and Nigeria reported the existence of very close consultation and co-operation, formalised by collective agreements and functioning through a number of subcommittees.

It would appear that arrangements for consultation and co-operation also exist in Argentina, Czechoslovakia, German Democratic Republic, Italy and Poland, but no details were provided. In the Philippines such arrangements only exist at the industry level.

All other countries responding to the survey indicated that such arrangements are virtually non-existent and the question therefore was not applicable. These were Barbados, Brazil, Colombia, Congo, Cyprus, Finland, Gabon, Federal Republic of Germany, Greece, Honduras, Ireland, Ivory Coast, Kenya, Khmer Republic, Madagascar, Malta, Mauritius, Mexico, Morocco, Norway, Panama, Paraguay, Peru, Portugal, Senegal, Singapore, Spain, Thailand, Tunisia, Uruguay and Viet-Nam.

13(b) If formal machinery exists, please indicate whether public authorities participate in the machinery - its structure, functions and the subjects it is competent to deal with.

Public authorities participate in formally established labour-management consultative machinery in only a few of the countries which replied to the questionnaire.

In Australia, a government representative is a member of the Marine Council whose function it is to inquire into and report to the Minister for Shipping and Transport on relations between shipowners and seafarers. Belgium and Guyana reported that a representative of the public authorities is chairman of joint consultative committees established within the shipping industry of those countries.

The presence of a government representative on labour-management consultative bodies was also indicated by Argentina, Czechoslovakia, Denmark, Indonesia, Morocco, Poland and Zaire, but the nature of this involvement was not specified.

14. Are shipowners and seafarers represented on official boards and committees dealing with matters of concern to them, and if so, to what extent?

The involvement of shipowners and seafarers on official bodies dealing with matters of concern to them appears to be the most extensive in Denmark. Both parties are represented on committees dealing with accident prevention, manning, welfare of seafarers, ship inspection, engagement and taxation of seafarers, welfare conditions on board ship and in port, amendment of shipping laws and regulations and other special or ad hoc committees which are created from time to time.

Seafarers and shipowners in Finland, France, Federal Republic of Germany, Greece, Iraq, Israel, Malta, Paraguay and Poland are represented on bodies dealing with one or more of the following: discipline, accident prevention and safety, welfare, education, training and qualification of seafarers, revision of maritime laws, and termination of employment.

Australia, Japan and Portugal reported that involvement of shipowners and seafarers on official boards was generally limited to industrial relations and personnel matters, and in the United States there is limited participation in licencing procedures and other training matters.

A number of countries reported that shipowners and seafarers were represented on official boards dealing with matters of concern to them but did not specify the extent of this participation. These were Argentina, Bangladesh, Belgium, Brazil,

Chile, Czechoslovakia, German Democratic Republic, Ghana, India, Indonesia, Italy, Ivory Coast, Khmer Republic, Madagascar, Mexico, Netherlands, Nigeria, Norway, Panama, Philippines, Singpore, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, Uruguay, Venezuela and Viet-Nam.

There seemed to be little or no such participation in Barbados, Canada, Colombia, Cyprus, Gabon, Guyana, Honduras, Ireland, Kenya, Liberia, Malaysia, Mauritius, Morocco, Peru, Senegal, Spain, Sri Lanka, Tanzania and Thailand.

In Annex III there is a list of all the official bodies mentioned in reply to this question.

## Shipboard Relations

15(a) What are the established practices concerning labour-management relations on board ship pertaining to discipline?

Sole authority and responsibility for disciplinary matters on board ship seem to rest with the master in the case of Gabon, Guyana, India, Japan, Netherlands and the United States. The disciplinary powers of the master typically include the imposition of fines. In Australia, Canada, Italy, Khmer Republic, Panama and Switzerland this also appears to be the case, so long as the master acts in conformity with maritime legislation, and in Israel where the master deals with these matters according to the procedures contained in the collective agreement. In cases where the master's authority is not sufficient to deal with the matter, it may then usually be referred to a higher authority.

Discipline on board ship appears to be the responsibility of the master and/or appropriate department heads in Argentina, Dahomey, Greece, Ireland, Madagascar and Nigeria. Questions of this nature, in the case of Colombia, Paraguay and Trinidad and Tobago, are normally handled between the master on one side and on the other, the ship's delegate or most senior seafarer in a particular department. In the Federal Republic of Germany disciplinary questions are settled by the ship's committee.

In the following countries discipline on board ship appears to be governed by legislation, but no details were provided: Belgium, Brazil, Congo, Czechoslovakia, Finland, Iraq, Ivory Coast, Kenya, Malaysia, Morocco, Portugal, Senegal, Spain, Tanzania, Tunisia, Venezuela and Viet-Nam. Poland also replied that the practice in the case of ship board discipline followed that specified in legislation, but in no case was a seafarer to be punished without prior consultation with the crew's delegate and the offence must be entered in the log book.

France, Honduras, Mexico and Panama indicated that the procedures to be followed in cases of displinary matters was specified in legislation and/or collective agreements, while in Chile, Mauritius, Philippines and Sri Lanka these questions are dealt with in shipping articles.

In Denmark, first offences or minor breaches of discipline are as a rule dealt with immediately; in the case of a second or subsequent offence or in graver cases a caution will be given, and the incident is entered in the log book. Reference of such matters to a disciplinary board appears to be the normal practice in Norway, Sweden, Ukrainian SSR and the USSR. In Norway such a board consists of the captain and two others, normally a representative of the crew and an officer.

For the following countries, it is not clear whether there are any established practices on board ship pertaining to labour-management relations on disciplinary matters: Bangladesh, Barbados, Cyprus, Ghana, Indonesia, Liberia, Malta, Peru, Singapore, Thailand, Turkey, United Kingdom, Uruguay and Zaire.

15(b) What are the established practices concerning labour-management relations on board ship pertaining to grievances?

Labour-management relations on board ship pertaining to grievances seem to be governed by legislation in the case of Australia, Belgium, Congo, Czechoslovakia, Finland, France, Federal Republic of Germany, Iraq, Ivory Coast, Malaysia, Morocco, Spain, Sweden and Switzerland.

In Canada grievances on board ship must be presented to the master or appropriate department head. Where licenced personnel are involved, the worker who has the grievance approaches the master or the department head in person. Unlicenced personnel frequently call upon the ship's delegate, where one exists, to present the grievance to the officer in charge of the department or the master. Grievances also seem to be handled by the master or the department head in the case of Greece, Ireland and the Netherlands, whereas in the following countries such matters seem to be dealt with directly and solely by the master, often with the crew's delegate representing the seafarer involved: Chile, Colombia, Denmark, Gabon, Ghana, Guyana, Honduras, India, Israel, Italy, Japan, Kenya, Malta, Mauritius, Mexico, Nigeria, Norway, Panama, Paraguay, Tanzania, Trinidad and Tobago, Tunisia, United Kingdom, United States and Venezuela.

There seemed to be joint labour-management arrangements for settling grievances on board ship in the countries which follow, but there is no information on their nature: Argentina, Brazil, Cyprus, Khmer Republic, Liberia, Madagascar, Peru, Philippines, Poland, Singapore, Thailand, Turkey, Ukrainian SSR, USSR and Uruguay.

There does not appear to be any established practice at all for dealing with grievances on board ship in Barbados, Dahomey, Indonesia, Portugal, Viet-Nam and Zaire.

15(c) What are the established practices concerning labour-management relations on board ship pertaining to consultation?

In Norway there is a provision in a collective agreement involving seafarers which provides for a monthly meeting between the representatives of the crew and the captain. At this meeting the captain informs the crew's representatives of the sailing plans and other relevant matters of interest to the crew, and questions concerning working conditions, planning and daily routine can be discussed at such meetings. While there is no established practice in Canada, matters of concern which are raised at regularly scheduled shipboard meetings of unlicenced personnel can be discussed with department heads and/or the captain. In Israel the question of shipboard consultation is largely a matter left to the initiative and discretion of the master.

According to the replies from Czechoslovakia, Finland, France, Federal Republic of Germany, Ivory Coast, Morocco and Spain consultation on board ship is established and regulated by legislation, while in Honduras and Italy this is done by collective agreements.

It would appear that shipboard consultation takes place between the master and/or officer in charge of a particular department on the one hand, and the crew delegate or representative in the following countries: Australia, Chile, Colombia, Panama, Paraguay, Philippines, Tanzania, Trinidad and Tobago, and Zaire. In Denmark the planning and execution of certain major operations on board will normally be carried out after consultation between the management and the boatswain or other more experienced seafarers.

The replies from all the other countries responding to the questionnaire seemed to suggest that there is very little consultation between labour and management on board ship or, if it exists, little information was provided.

16. If shipboard liaison representatives or union delegates exist, what are their rights and obligations?

The primary function of union delegates, where they exist, is to represent the interests of the crew and in this role they are mainly involved in handling grievances - receiving and discussing them with the employee(s) concerned and presenting them to the master or department head. As well, the union delegate or shipboard liaison representative as he is sometimes known, may often convene meetings on board ship to discuss items of interest to members of the crew and to seek to alleviate undesirable practices or improve certain aspects of life on board ship - health, safety, food and other conditions of work. He generally is at liberty to conduct union business, the only restriction being that such activities may not conflict with the efficient operation of the ship. This would appear to be so in Canada, Dahomey, Finland, France, Honduras, Israel, Italy, Japan, Liberia, Morocco and Venezuela.

In contrast, union delegates in Malta and United Kingdom have no rights to represent or accompany members taking up matters under the complaints procedure. Their main role is to keep members informed on all union matters and the union informed on shipboard developments, encourage members to exercise their rights, and generally to co-operate in the efficient operation of the ship.

It seems that in all of the above, the union delegate cannot be dismissed or discriminated against for performing his duties. In Congo, dismissal of a union representative is decided upon by the maritime authorities.

Australia, Chile, Nigeria, Philippines, Poland and the United States reported that union delegates represented the interests of the crew. No further details were provided.

Union delegates seem to exist in the following countries but there is no information on their rights and obligations: Congo, Czechoslovakia, Denmark, Federal Republic of Germany, Guyana, Ivory Coast, Liberia, Mexico, Netherlands, Panama, Peru, Spain, Sweden, Switzerland, Trinidad and Tobago, Turkey and Uruguay.

There do not appear to be union delegates in Argentina, Barbados, Belgium, Brazil, Guyana, Greece, India, Indonesia, Iraq, Ireland, Kenya, Khmer Republic, Madagascar, Malaysia, Mauritius, Norway, Paraguay, Portugal, Senegal, Singapore, Sri Lanka, Tanzania, Thailand, Tunisia and Viet-Nam.

17. To what extent do regular communications prevail between the union delegates and the union officials?

In Canada, Finland, Ghana, Israel, Italy, Japan, Malta, Poland, Sweden and the United Kingdom regular communications are maintained by distributing minutes of meetings and periodicals, correspondence, visits to ships, radio and telephone and other personal contact. The following comments from the United Kingdom illustrate the nature of these contacts in some detail.

In the case of the Merchant Navy and Airline Officers' Association, communication is by regular ship visiting and by correspondence. In the case of the National Union of Seamen, a liaison official, during a ship's absence from the United Kingdom, is at liberty to contact the Union by letter, telephone or cable should the necessity arise. Minutes are kept of all meetings held on board ship and, on completion of the voyage, these are referred to a responsible officer for analysis and such action as may be required. When a ship returns to the United Kingdom it is generally visited by a union official and on these occasions he and the liaison representative can meet in person. The Union also maintains officers in Antwerp, Rotterdam, Malta, Cape Town and Sydney and the liaison officials frequently call on them for service and advice. The possible use of radio communication by the allocation of a collective call sign which would enable messages to be transmitted to more than one ship at a time is being considered by the Post Office and the industry.

The Netherlands and Panama reported that contact between union delegates and officials was limited to correspondence and periodicals, while France, Nigeria and Norway replied that such contacts were frequent and regular.

It would appear that communication between union delegates and union officials in Argentina, Australia, Chile, Ivory Coast, Morocco, Trinidad and Tobago, and the United States takes place, if at all, only when a ship is in port.

Czechoslovakia, German Democratic Republic, Honduras, Paraguay, Philippines, Portugal, Spain, Switzerland, Tanzania, Uruguay, Venezuela and Zaire replied that there was communication at this level but gave no indication of the degree of regularity or the means employed.

It would seem that virtually no communication takes place between the union delegates and officials, where they exist, in the following countries: Bangladesh, Barbados, Belgium, Brazil, Denmark, Federal Republic of Germany, Greece, Guyana, India, Indonesia, Iraq, Ireland, Kenya, Khmer Republic, Liberia, Madagascar, Malaysia, Mauritius, Mexico, Peru, Senegal, Singapore, Sri Lanka, Thailand, Tunisia, Turkey and Viet-Nam.

18. Do members of crews participate in any way in the work planning and work organisation on board ship? If so, please indicate the extent of such participation.

Work planning and work organisation on board ship are generally carried out by the master and officers or department heads in Argentina, Australia, Greece, Honduras, Malta, Mauritius and Venezuela. This also seems to be the case in the United Kingdom, but in recent years there have been a number of instances where shipping companies in these countries have organised the work on board ship through management teams. These typically include the master, various officers and sometimes other members of the crew and are responsible for the planning, organisation, co-ordination and supervision of all operational maintenance work and for personnel welfare. In addition, petty officers with supervisory functions are normally consulted by the officers responsible for maintenance planning.

In Czechoslovakia and the German Democratic Republic involvement of crew members in work planning and organisation is effected through their participation in production committees, and in Norway the collective agreement covering ratings contains a provision for monthly meetings between their representatives and the master, at which planning and execution of daily routines on board may be discussed.

The participation of crew members in work planning and organisation in Poland, Turkey, Uruguay and Zaire takes place through union delegates. The extent of this participation was not specified.

There seems to be some such participation in the case of Denmark, Israel, Morocco, Netherlands, Portugal and Spain, while Canada, France, Philippines, the United States and Viet-Nam reported that participation by the crew in work planning and organisation occurred only infrequently. In Sweden, the Government reports a statement by the shipowners' association of that country to the effect that members of crews participate to a certain extent in the planning and organisation of the work on board through joint committees, and a statement of the Seamen's Union that crews do not participate in such planning.

For the other countries noted below it appears that members of the crew have virtually no role to play in this regard, any planning and organisation of work being the sole responsibility of the master and management. It seems to be implied, however, that seafarers' organisations (in many countries) may be consulted on the organisation of work when new types of vessels are brought into operation and on other manning questions: Bangladesh, Barbados, Belgium, Brazil, Chile, Finland, Gabon, Federal Republic of Germany, Ghana, Guyana, India, Indonesia, Iraq, Ireland, Italy, Ivory Coast, Japan, Kenya, Khmer Republic, Liberia, Madagascar, Malaysia, Mexico, Nigeria, Panama, Paraguay, Peru, Senegal, Singapore, Sri Lanka, Switzerland, Tanzania, Thailand, Trinidad and Tobago, and Tunisia.

## Arrangements concerning Labour Relations within Shipping Companies

19(a) To what extent do shipping companies in your country have personnel or labour relations departments or appoint specialised personnel officers?

The existence in shipping companies of personnel or labour relations departments, or specialised personnel officers, appears to be quite widespread among maritime nations. These may be termed Crew, Labour Relations, or Personnel Departments.

In the United Kingdom all but the smallest shipping companies have a member of the staff responsible for personnel. In small companies this may be one person, but in large companies it may be a whole department with specialised personnel officers. The same would seem to apply for Australia, Chile, Finland, Federal Republic of Germany, Israel, Kenya, Malta, Netherlands, Nigeria, Peru, Philippines, Singapore, Sweden and the United States. In Italy the major shipping companies have personnel departments normally composed of five officials.

A number of other countries indicated that shipping companies had such specialised units or personnel dealing with industrial relations questions, but did not specify the extent to which this was the case. These were: Argentina, Belgium,

Brazil, Colombia, Czechoslovakia, Denmark, France, German Democratic Republic, Ghana, Greece, Guyana, Honduras, Ireland, Japan, Liberia, Madagascar, Morocco, Norway, Panama, Paraguay, Poland, Senegal, Spain, Switzerland, Tanzania, Tunisia, Turkey, Venezuela and Zaire.

Canada and Portugal indicated that only large companies had a specialised industrial relations and personnel function. There does not appear to be any at all in Bangladesh, Barbados, Congo, Cyprus, Dahomey, Ethiopia, Gabon, India, Indonesia, Iraq, Ivory Coast, Khmer Republic, Malaysia, Mauritius, Mexico, Sri Lanka, Thailand, Trinidad and Tobago, Uruguay and Viet-Nam.

19(b) What are their functions and responsibilities with regard to: (i) negotiation of collective agreements; (ii) discipline and adjustment of grievances; (iii) arrangements for consultation and co-operation; (iv) communications between management and seafarers?

In a number of countries the functions and responsibilities of the personnel or labour relations specialists, where they exist, cover all of the above-mentioned areas. This is so in Argentina, Australia, Canada, Czechoslovakia, Ghana, Honduras, Ireland, Kenya, Liberia, Nigeria, Panama, Philippines, Poland, Portugal, Sweden, Tanzania, Tunisia, Turkey, Venezuela and Zaire.

In Brazil, Denmark, Finland, France and Italy, the labour relations or personnel officers do have considerable responsibility with regard to discipline and adjustment of grievances, arrangements for consultation and co-operation, and for providing a basis of communication between management and seafarers. Their role in the negotiation of collective agreements seems to consist mainly of providing advice and technical assistance and does not involve acting on behalf of management in concluding agreements.

Personnel or industrial relations officers in Malta and the United Kingdom are unlikely to participate in negotiations. This would in most cases be a function of the Company's Fleet Personnel Manager. On the basis of reports received about individual seafarers on the preceding voyage, the personnel or industrial relations officers may decide whether to offer them further employment. They may also be responsible for investigating complaints which have not been settled on board ship. In the area of communications they would be responsible for carrying out the management policy and acting as an intermediary between management and seafarers in the same way that the master, when at sea, would act as intermediary between the seafarer and the personnel department.

The Federal Republic of Germany, Israel and the United States reported that the responsibilities of such officers was mainly to help process grievances and to serve as a means of communication between management and unions on a variety of matters. In Switzerland their functions centre on developing consultative and co-operative arrangements, and providing communications between management and seafarers.

The following countries indicated that the responsibilities of industrial relations or personnel officers with regard to the four areas of concern mentioned in the question were very limited: Bangladesh, Belgium, Chile, Colombia, Guyana, Morocco, Norway and Paraguay; while in Greece, Japan, Madagascar, Netherlands, Peru, Senegal, Singapore and Spain, the extent of such involvement was not specified.

20. Are there programmes for the training of managerial personnel of shipping companies, including those on board ship, in their labour relations functions? If so, please describe the scope and features of the programmes.

There appears to be a variety of approaches to the training of managerial personnel in their labour relations functions. It is part of the curriculum of navigation schools and maritime academies in the Federal Republic of Germany. The same is true for Sweden, although, in addition to such training, shipowners regularly arrange courses for staff managers and officers which place considerable emphasis on labour-management relations.

The British Shipping Federation provides companies with a comprehensive information service on all aspects of labour relations. This is disseminated to managers in accordance with the needs of individual companies and the particular

role of the manager. In addition, companies make use of courses which are available to industry generally covering such subjects as human relations, the role of trade unions, wage negotiations, industrial legislation and law. A continuing cycle of courses is run by the BSF, dealing with the managerial functions of the ship's officer and supervisory duties of petty officers. The management course of two weeks for senior ship's officers and shore staff includes manpower studies, the role of trade unions, communication, discipline, leadership, morale, accident prevention and legal matters. The personnel relations course lasts one week and is intended for more junior ship's officers and middle management ashore. The emphasis is on human behaviour and motivation, communications and industrial relations. Petty officers attend the supervisors' course of one week which covers much the same ground as the personnel relations course plus some coverage of the role of trade unions.

Shipowner-sponsored courses covering many aspects of industrial relations also seem to be prevalent in Finland, Israel, Malta, Netherlands and Poland.

Managerial personnel of shipping companies, including those on board ship, in Kenya, Mauritius, Netherlands, Nigeria, Philippines, Tanzania, Tunisia, Turkey and Zaire receive training in their labour relations function through attendance at seminars and courses given at universities and various institutes of management and industrial relations.

In France, managerial personnel of shipping companies and ship's officers may, under the provisions of the Continuing Vocational Training Act of 16 July 1972, participate in courses organised by the Maritime Transport Institute. In addition, the large shipping companies frequently arrange information meetings for the benefit of their officers.

In the case of Czechoslovakia, Denmark, German Democratic Republic, Greece, Guyana, Ireland, Japan and Norway, some such training programmes were indicated, but it was not clear from the replies whether these were provided directly by the shipowners, at navigation and maritime schools, or through attendance at academic institutions.

In all the other countries responding to the questionnaire, there are virtually no such training programmes for managerial personnel or such matters remain part of on-the-job training: Argentina, Australia, Bangladesh, Barbados, Belgium, Brazil, Canada, Chile, Dahomey, Gabon, Ghana, Honduras, India, Indonesia, Iraq, Italy, Ivory Coast, Khmer Republic, Liberia, Madagascar, Malaysia, Morocco, Panama, Paraguay, Peru, Portugal, Senegal, Singapore, Spain, Sri Lanka, Switzerland, Thailand, Trinidad and Tobago, United States, Uruguay, Venezuela and Viet-Nam.

## Effects of Structural Changes in the Industry

21(a) What, in your opinion, has been the effect on labour-management relations of the major structural changes which have taken place in the industry?

According to the reply from the United Kingdom, the main structural changes taking place in the shipping industry which are felt to have some bearing on labour-management relations include the introduction of new specialist ships, containerisation, the need to contain labour costs by reductions in manning through greater mechanisation and increased skills and versatility of crews. In response to these changes, new institutions and methods in the labour relations field have been introduced such as, for example, the Establishment Scheme, extensive welfare arrangements, training schemes, a new complaints procedure, and the concept of shipboard liaison representation. In addition, the rigidity of the centralised negotiating procedure has been loosened by agreements based on general purpose manning and interchangeability, tentative proposals have been put forward for a simplification of the wages structure, and attempts have been made to develop more effective company personnel policies.

Australia considers that the major structural changes have considerably improved labour-management relations in the shipping industry by enabling an arbitration agreement to be obtained which applies to all the seamen's unions whereas previously each union had to negotiate separately the conditions of employment of its members.

It appears that in Finland and Turkey the major structural changes which have taken place in the industry have had a positive influence on labour relations by calling for greater understanding and co-operation between the parties in settling disputes. This also appears to be the case for the German Democratic Republic, Sweden and Zaire.

The most important change noted by Ireland - automation and the introduction of specialised ships - has led to the introduction of general purpose crews. On board the general purpose vessels of one company, management committees have been formed which consist of senior officers who plan the day-to-day operation of the vessel under the chairmanship of the master. In addition these vessels have social committees, consisting of officers and ratings, which cater for the welfare and social activities of the crew in general.

The Federal Republic of Germany points out that these structural changes which have taken place in the shipping industry led in 1971 and 1972 to the sale and transfer to other flags of a great many ships formerly flying the Federal Republic's flag and to a reduction in manning of around 20 per cent.

Canada and Chile reported that the manning implications of these changes were viewed with a degree of alarm by the seafarers' organisations and had caused considerable strain on relations between labour and management. In Sweden, the changes which have taken place in the mercantile marine have caused difficulties, but in the opinion of the Shipowners' Association, the parties in the labour market have gradually come closer to one another. The Seamen's Union considers that the changes primarily consist in improved salaries, working conditions and hours of work, safety in employment, better social conditions, increased cultural services, increased equality and democracy.

In Greece, Israel, Netherlands, Norway, Panama, Portugal, Spain, Switzerland, Tunisia and Uruguay, labour relations seem to have been affected by current structural changes, but no details were provided. Generally, these changes involve increased automation and the introduction of multi- or general purpose crews, both of which tend to involve a reduction in jobs and an increase in skill requirements.

The introduction of any structural changes in Poland is subject to prior consultation with the seafarers' representatives, and in effect, therefore, these changes do not have any noticeable impact on relations between labour and management.

India, Italy, Ukrainian SSR, USSR and the United States gave no indication whether such changes, if they have been evident, have led to improved or worsened labour relations, and in the following countries it was reported that any recent major structural changes in the shipping industry have had virtually no influence or impact on relations between labour and management: Argentina, Barbados, Belgium, Brazil, Colombia, Congo, Cyprus, Czechoslovakia, Denmark, France, Gabon, Ghana, Guyana, Honduras, Indonesia, Iraq, Ivory Coast, Kenya, Khmer Republic, Liberia, Madagascar, Malaysia, Malta, Mauritius, Mexico, Morocco, Nigeria, Paraguay, Peru, Philippines, Senegal, Singapore, Tanzania, Thailand, Trinidad and Tobago, Venezuela and Viet-Nam.

21(b) In your opinion, do these changes require adjustments in the method of dealing with labour-management relations in the shipping industry. Have there been any developments in your country with regard to such adjustments or to the application of new methods and procedures? If so, please describe these developments.

The prevailing view in Israel is that such structural changes and their effects do definitely call for adjustments in the method of dealing with labour-management relations. Programmes have been initiated to allow seafarers to adjust more readily to the technological and operational changes in the industry. For example, some shipping companies have started to operate vessels in such a manner that men can be shifted from one department to another when required; in some nautical schools (pre-sea training), classes for general operators have been opened and retraining schemes for various categories have been put into effect; candidates for all occupational levels are being selected more carefully with the aid of modern testing techngues to determine their suitability for life at sea; and masters, senior officers, and in some cases also office staff, are now being trained in labour relations.

Canada replied that structural changes required new labour-management techniques if there was to be relative industrial harmony when such changes were introduced. For example, there would appear to be some need for collectively bargained provisions to deal with technological and other changes which will take place in the shipping industry. In addition, legislation on matters such as safety and manning, where it exists, might be framed in such a way as to remove at the outset many contentious issues which do not appear to be proper items for the normal labour relations processes.

Brazil, Norway and the United Kingdom noted some recent developments which stem from the application of new methods and procedures. In Brazil there has been a doubling of leave provisions and a reduction in the length of pensionable service; in Norway the greatest change would seem to be the consolidation and expansion of the system of union delegates from the crew on board ship, and the monthly meetings between the captain and representatives of the crew at which the captain briefs the delegates on a number of matters pertaining to the operation of the ship; and in the United Kingdom considerable stress has been placed on the development of comprehensive personnel policy and a reshaping of salary structures.

Bangladesh, Italy and the United States replied that there have not yet been any developments in those countries with regard to such adjustments, but there is a growing awareness that technological and structural changes may require new approaches.

Finland, the Federal Republic of Germany, Greece, Madagascar, Panama and Zaire indicated also that new approaches to adjust to major structural changes were required and had in some cases been instituted, but did not provide further information. It is further reported that the shipowners and seafarers in the Federal Republic of Germany think such an adaptation necessary.

In the Netherlands, the following recommendations concerning this matter have been made by the shipowners' and seafarers' organisations of that country. Personnel recruitment on behalf of the industry as a whole should be based on forecasts of employment needs for a period of five to ten years. Apart from this, investigation at shorter intervals will be necessary. The Netherlands' labour market requires a co-ordinated approach at the industrial level. Parties to collective agreements will at short notice investigate the possibilities of instituting a trade council. The desirability of establishing such a council has been recognised in principle by the parties concerned. Improved methods of training in higher technical skills for the sea service and the organisation of vocational training for ratings should be introduced at the earliest possible moment. It is recommended that types of training attuned to the needs of personnel be prepared by a tripartite body and that these should be accompanied by appropriate regulations. Whilst improving the conditions of employment, attention should in particular be given to the duration of leave, its frequency and also to the provision of old-age pensions. As soon as possible, committees of seafarers should be organised in accordance with Article 395 of the Commercial Law. In the ships' committees, continuous attention should be given to accommodation on board in the light of technical developments; co-ordination between shipowners' and seafarers' organisations will be necessary in this respect. Elected seafarers should be enabled to take part fully in the work of the trade council.

A large majority of countries replied that no basic adjustments in dealing with labour-management relations in the shipping industry had been necessary as a result of major structural changes, nor were any envisaged. This was so for Argentina, Barbados, Belgium, Chile, Colombia, Congo, Cyprus, Czechoslovakia, France, Gabon, Ghana, Guyana, Honduras, India, Indonesia, Iraq, Ireland, Ivory Coast, Khmer Republic, Japan, Liberia, Malaysia, Malta, Mauritius, Mexico, Morocco, Nigeria, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Singapore, Spain, Switzerland, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian SSR. USSR, Uruguay, Venezuela and Viet-Nam. According to the Shipowners' Association in Sweden, the answer to the question was in the negative; conditions were developed in the right direction without interference from outside. The Seamen's Union of that country stated that the progress mentioned under the preceding point (a) had been achieved not only by the organisations of those employed on board and the shipping companies but reflected conditions on the entire Swedish labour market. In Denmark, the shipowners do not consider it necessary to make structural changes in the industry. On the other hand, the Seamen's Union considers that all persons on board should be given the right to participate in decisions.

21(c) Is it considered necessary to recast the traditional method of discipline on board ship or to place more emphasis on the functions and responsibilities of the master and other officers in the field of labour-management relations, which do not depend on the exercise of disciplinary powers?

The reply from Finland expressed the view that the traditional methods of discipline were out of date and did not meet the developing requirements of labour-management relations on board ship. An industrial democracy experiment was started in 1973 in the ships of the Shipping Company Finnlines. The results of this experience are being examined by a joint working group, set up by the labour market organisations in the shipping industry to work out regulations on industrial democracy to be applied to the entire merchant navy engaged in foreign shipping. Denmark expressed similar views. The Swedish Seamen's Union considered that although the deletion of the disciplinary clauses in the Merchant Shipping Act of 1973 was a noteworthy improvement, there was a need for a greater degree of democratisation in respect of conditions of life and work of seafarers. Ireland replied that there is a definite need to recast the traditional method of discipline, in particular to train masters and senior officers in the field of labour-management relations and personnel management, and to reduce the use of disciplinary measures. In connection with the latter, the Government is considering the updating of Part II of the Merchant Shipping Act, 1894, which governs the conditions of service, discipline and general welfare of seamen. The shipowners' and seafarers' organisations in Sweden are in agreement that the old disciplinary system on board is no longer in keeping with the times.

In Barbados consideration is being given to having a shipboard committee deal with certain matters which up to now have been dealt with by the master.

The prevailing view in Colombia, India, Liberia, Madagascar and Turkey is that more emphasis should be placed on the functions and responsibilities of the master and officers in the field of labour-management relations as distinct from their disciplinary powers. This could be part of the programme of training in the maritime academies or incorporated in on-the-job training.

The replies from Bangladesh, France, Gabon, Italy, Kenya, Senegal, Trinidad and Tobago and Zaire expressed the view that the traditional method of discipline on board ship should be retained but with some modifications to incorporate modern labour-management techniques and to account for current technological and organisational changes.

In Canada, it is not considered necessary to recast the traditional method of discipline and authority on board ship. Rather, there appears to be a need to reaffirm the traditional system and establish clearly the authority of the master while at the same time placing greater emphasis on the labour relations aspects of an officer's duties and responsibilities.

In Australia the Government states that it does not yet appear to be necessary to recast the traditional method of discipline but that the trade unions hold differing views and are trying to bring about a review of relevant legislation.

In the United Kingdom the question of discipline in the merchant navy was exhaustively reviewed by the Pearson Court of Inquiry, which came to the conclusion that a special disciplinary regime was required by the special conditions of seafaring life and that it should continue to be in the form of a summary shipboard jurisdiction which should continue to be vested in the master. The Court recommended, however, that there should be additional safeguards for the protection of the seaman to see that the proper procedure was carried out, with a right of appeal to the superintendent at the port of discharge. The first of these safeguards has been agreed by the National Maritime Board and the second has been incorporated in the Merchant Shipping Act, 1970.

The Federal Republic of Germany, Israel, Netherlands and Norway indicated that there was some need to reshape traditional disciplinary methods on board ship, but did not provide any information on the way this might be accomplished.

The following countries replied that a recasting of traditional methods of discipline had not as yet been considered necessary: Argentina, Brazil, Chile, Congo, Cyprus, Czechoslovakia, Ghana, Greece, Guyana, Honduras, Indonesia, Iraq, Ivory Coast, Khmer Republic, Malaysia, Malta, Mauritius, Mexico, Morocco, Nigeria, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Singapore, Spain, Switzerland, Tanzania, Thailand, Tunisia, Ukrainian SSR, USSR, United States, Uruguay, Venezuela and Viet-Nam. The same has been true in Belgium and Japan but this whole matter is currently under review.

## CHAPTER II

## ANALYSIS OF THE REPLIES AND DRAFT CONCLUSIONS

### 1. Analysis of the Replies

The foregoing section has attempted to highlight the key features of the replies made by various countries to the ILO questionnaire on industrial relations in the shipping industry. The 42 questions and sub-questions were replied to in whole or in part by the 73 maritime nations listed in the Introduction.

There were cases where these replies did not contain enough information to serve the needs of this study - in most instances this was no doubt due to the lack of relevance of the question to the particular country, the problems of translation, and difficulties due to terminological barriers and misunderstandings. Nevertheless, a thorough review of the replies does show some trends and common features, as well as some important differences, in industrial relations in the shipping industry.

The emphasis has been on a description of the existence of certain practices, and no attempt has been made to link together the various factors or to assess their relative strengths and weaknesses in shaping industrial relations in shipping. To venture such an account of the operation of the "industrial relations system" in shipping, to use a generally accepted term, would require further in-depth research and analysis of the intricate and complex relationships between the various factors.

This is not to rule out such a project, but to stress instead the underlying purpose of the questionnaire, namely to report to the Preparatory Technical Maritime Conference in summary form the findings of a study in depth by the ILO into various aspects of industrial relations in shipping, with particular reference to such questions as existing legislation, the extent to which shipowners and seafarers are represented by their own organisations, the method of settling disputes, industrial consultation and collective bargaining, and relations on board ship and ashore, and what facilities exist for seafarers' representatives on board ship in connection with the above.

While it has been tempting to generalise about similarities and differences, it is well to caution that these are valid only to the extent that a full and accurate description was submitted in response to the various questions. In addition, any apparent trends must be viewed against the background of distinctive national industrial relations characteristics, policies and practices, and of the different national priorities accorded to the maritime industry.

#### Legislative Setting

Legislation, or the absence of it, can have a very important bearing on industrial relations since it provides a framework within which the relationships between shipowners and seafarers are formed, encouraged or confined.

Amongst maritime nations there is a wide range of legislation which has relevance to industrial relations in shipping. It can be specially designed for the maritime industry, be part of more generally applicable industrial relations legislation, or arise from legislative instruments such as the constitution, labour standards, codes, etc. There are both traditional and developing maritime nations in all three categories. Little can be said about the existence of a dominant pattern, except that among those countries which reported that industrial relations were dealt with under separate laws and regulations, only a few would be considered traditional maritime powers. This is perhaps interesting in the sense that one might expect that the developing nations would call on the experience of the long-established maritime countries in framing laws to deal with labour-management issues.

No assessment is made here of the relative merits of different legislative approaches. Whether or not it can be judged good or bad for a particular country depends on an assessment of the legislation within the broader economic, social and industrial relations context.

One important function of the legislation relates to the recognition of seafarers' organisations for the purposes of collective bargaining. More than one half of the countries replied that procedures for the recognition of seafarers' organisations were contained in industrial relations legislation, maritime laws, labour codes and similar instruments. Essentially, these stipulate conditions which must be met by a union in order to acquire certification, and also provide machinery for representation ballots and investigations into applications for certification.

Legislation and a variety of legal procedures were indicated for the resolution of grievances in a number of countries which did not have collectively bargained procedures or, in some cases, the grievances of unorganised seafarers. The right to strike and lockout is also widely recognised under the law of almost all maritime nations. These rights may usually be exercised only after a contract has expired, only if notice of intent to do so has been given to the other party, and only when the normal conciliation proceedings have been exhausted.

Governments were asked to indicate the degree of compliance in their countries with the 1946 resolution on seafarers' organisations which, briefly, established the right of seafarers and shipowners to organise and the need for viable collective bargaining arrangements between the two, and recognised the principle that governments should consult organisations of seafarers and shipowners on all matters of concern to them and involve both parties in the organisation and administration of institutions in which they have a common concern. With the exception of a small number of developing countries, there would seem to be almost total compliance among the world's maritime nations with the principles set forth in this resolution. Furthermore, it might be expected that as industrial relations practices and procedures become even more widespread, there will be total and universal compliance with these provisions.

Bargaining Structure

Associations of shipowners have been formed in most maritime countries. These groupings can have various aims and purposes. In some, advancement of the economic interests of member companies, including political activities, is stated as the primary concern of the organisation. Others focus more on industrial relations question, such as bargaining on behalf of the members or providing expertise during negotiations, or broader areas such as establishing health and welfare schemes, recruitment and training.

There is considerable variation with respect to the number of shipowners' organisations which exist within one country. Where there are several such groupings, they may be established on a functional basis, or according to size of operation or type of shipping.

As for seafarers in most maritime nations, they too have formed one or more organisations for the purpose of achieving an improvement in wages, working conditions and life at sea. Typically there are two or more seafarer unions, and only in a few countries does there appear to be a complete absence of them.

The percentage of seafarers covered by unions shows a wide variation and only in less than 20 of the 69 countries responding to the question was it stated that virtually all the seafarers were organised. Similarly, there is very little evidence of a federation of seafarer unions, and only in about 50 per cent of the cases are there international affiliations, primarily with the ITF.

Industry-wide, as opposed to company-level bargaining, seems to come into prominence as the bargaining structure in the industry is rationalised. This is no doubt spurred on by attempts to have uniform expiry dates, reduce disruptive inter-union rivalry, and to form larger power blocks.

In connection with the above observations on the bargaining structure in shipping, the following ILO instruments would seem to have particular significance:

(a) paragraph (e) of Part III of the Declaration of Philadelphia, which places upon the ILO an obligation to see to it that in member countries there is an "effective recognition of the right of collective bargaining";

(b) Article 4 of Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (1949);

(c) Paragraph 1 of Recommendation No. 91 concerning Collective Agreements (1951);

(d) Article 5 of Part I of Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise (1948).

In the light of these instruments it might be considered appropriate, where bargaining is limited or non-existent, labour and management federations are few, and there are no international affiliations, to inquire why such is the case and to explore ways and means of extending the obvious benefits of these instruments to those seafarers and shipowners now without them. It might be particularly revealing to inquire whether or not there are restrictions or prohibitions which prevent shipowners and seafarers from forming such associations, and if such barriers exist, to seek ways of removing them.

## Labour Relations Functions Within the Company and Union

In most countries there would seem to be personnel or labour relations departments, or specially designated officers, in all but the smallest shipping companies. Their involvement in industrial relations matters can be restricted to the processing of grievances and the preserving of a communications link between management and seafarers, or it can be a much broader responsibility which includes as well the negotiation of collective agreements, disciplinary questions and arranging for consultation and co-operation between the company and its employees and their unions.

Given this fairly large and widespread responsibility, the question arises as to the suitability and qualifications of these industrial relations personnel. From the replies to the questionnaire it seems that a variety of programmes have been adopted by various maritime nations to train personnel in their industrial relations functions. These include teaching of the relevant subjects in navigation schools and maritime academies, sometimes by arrangement with universities, institutes of management or similar schools, while in some cases there are courses and study programmes given directly by the company or an association of shipowners. In over one-half of the countries, particularly developing ones, which responded to the questionnaire, however, there would appear to be a complete absence of training programmes for company personnel in their industrial relations functions.

A similar question regarding training of seafarers was not asked but would seem to be of equal importance for sound labour-management relations in the industry.

The above comments point to the desirability of seeking ways to give more serious attention to the training of management and union personnel in their industrial functions. The ILO might be encouraged, for example, to examine the possibility of creating, in developing maritime countries, training centres for both seafarers and company personnel in which a major emphasis would be placed on man-management and industrial relations.

## Consultation and Co-operation between the Parties

Not many conclusions can be drawn from the replies on this item but it seems evident that the degree to which such arrangements exist is rather limited. In about one-half of the countries it was reported that there are arrangements agreed upon by the parties for the settlement of disputes. In some cases this meant disputes over unresolved grievances; in others, disputes over the failure to conclude a collective agreement. A small number of countries reported the existence of wider co-operation schemes, some of which are established by collective agreement and others in conformity with the requirements of legislation. There is a notable lack of participation by public authorities in the co-operation and consultation schemes that were indicated.

Two ILO instruments draw attention to the need for effective consultative arrangements:

(a) Recommendation No. 94 concerning Consultation and Co-operation between Employers and Workers at the Level of the Undertaking (1952);

(b) Recommendation No. 113 concerning Consultation and Co-operation between Public Authorities and Employers' and Workers' Organisations at the Industrial and National Levels (1960).

With reference to the latter Recommendation, there does seem to be fairly widespread acceptance and practice of this principle on the part of governments, and the range of matters on which governments regularly consult the industry includes accident prevention, manning, welfare of seafarers, ship inspection, social conditions on board ship and in port, amendment of shipping laws and regulations, education and training of seafarers, licencing procedures, etc.

Another area in which some countries noted some co-operative efforts is in connection with technological change. This can have a number of important consequences for labour-management relations; they tend to reduce crew requirements and lead to changes in skills. Whether or not the introduction of such changes can be made smoothly depends to a great extent on a co-operative approach being taken to minimise the adverse employment effects. Otherwise the reduction of jobs is likely to lead to considerable hostility, opposition and lack of co-operation on the part of unions and widespread union-management conflict. A few cases were cited of existing schemes worked out by management in co-operation with unions to achieve a minimum of adverse employment consequences. These aim at achieving inter-departmental flexibility whereby men can be readily shifted from one department to another, or involve retraining schemes, better selection techniques, and changes in leave and pension arrangements in such a way as to minimise any adverse effects of contemplated technological change and innovation.

In a well-functioning industrial relations system, it would be desirable to have such schemes worked out co-operatively by the parties themselves. However, there may also be a need for legislation to establish certain minimum requirements and provisions.

Recommendation No. 119 concerning Termination of Employment at the Initiative of the Employer (1963) contains some useful principles which might be considered as a basis for specific guidelines for seafarers displaced by technological change.

More positive manpower planning policies seem to be required, along with the advantages which might be gained from shared retraining programmes and a pooling of research into the many problems, social and economic, associated with the introduction of technological change. There is a clear need for devices to reduce the feeling of insecurity and uncertainty caused by rapid technological change and the continuing casual nature of the work.

Shipboard Relations

There are a few countries, mainly in Northern Europe, which have taken some bold strides towards democratisation of work and relationships on board vessels, and a few others which are in the process of examining this matter. These, however, constitute only a small minority of maritime nations. As for participation by seafarers in the work planning on board ship, very little exists in practice. There are a few instances where the master will involve department heads and/or crew delegates in such planning, and in the case of one country there have been experiments with management teams consisting of the master, various officers and other crew members whose main responsibility is to organise work on board ship. Evidence of shipboard consultative arrangements is very limited.

Discipline on board ship is normally the sole responsibility of the master and/or department heads, and in a few countries matters of discipline are dealt with by a type of disciplinary board established on the ship for this purpose. As noted elsewhere, there is considerable legislation dealing with various aspects of ship-board discipline.

A large majority of the countries indicated that they saw no need whatsoever to change this traditional method of discipline on board ship in which large powers and responsibilities are vested with the master. Another group of countries were similarly inclined, with the proviso that slight adjustments be made to take into consideration modern concepts of man-management and labour-management techniques, especially in light of the continuing stresses which can be expected to be created by current technological and organisational changes.

The grievance procedure described by about half the respondents gives considerable authority and responsibility over such matters to the master, whereas procedures in many of the other countries involve the officer in charge or department head.

In all the above cases, a seaman who has a grievance will himself, or through a crew delegate, present the grievance to the designated officer for processing and settlement. This is in fact the major function stated for a crew delegate in most cases - to receive and discuss with employees their grievances and present them to the master or department head. The delegate can also convene meetings and seek to improve certain aspects of life on board ship covering such items as health, safety and food.

A few countries, particularly the Scandinavian nations, view the traditional methods of discipline on board as ship as somewhat antiquated and consider that prevailing practices must be replaced by more stress on human relations and labour-management collaboration with a view to ensuring a viable labour-management relationship on board ships in the face of emerging stresses

Morale and contentment are some ready indicators of the health of shipboard relations, and an important part in this is played by inter-union contact and feed-back from the ship to union officials who are on shore. This might in fact be seen as a necessary precondition for job satisfaction, and shipowners may therefore wish to consider the merits of co-operating with unions to improve ship-to-shore contacts for seafarers.

Recommendation No. 129 concerning Communications between Management and Workers Within the Undertaking (1967) is of relevance here, especially when one considers the fact that the ship as a work station presents unique problems of communications.

## Collective Bargaining

Collective bargaining in shipping normally follows a pattern which comprises a notice to bargain within certain time constraints, bilateral negotiation of desired terms of service and counter-proposals. Should there be failure to reach agreement, government efforts are usually required to resolve differences and such intervention can involve one or more stages of conciliation, mediation, arbitration, and courts and commisions of inquiry.

Where bargaining involves unions and associations of shipowners, there are instances in which any resultant agreements are binding on all members of the association, and other instances where any agreement so concluded must be ratified by each participant company before it comes into force.

It is usual for agreements to be valid for one to two years, and to cover wages and other working conditions, which normally means hours of work, vacations, public holidays with pay, health and welfare provisions, and grievance procedures.

With regard to grievance procedures, collective agreements currently set forth a number of steps whereby a grievance can be disposed of by successively higher representatives of union and management. Should such attempts fail, the procedure then provides for the final disposal of the grienvance: this can be through arbitration, which is almost always binding and final, by submission to a labour court or similar body, or by recourse to the appropriate head of government or ministry.

In connection with the disposal of grievances, some attention might be paid to the principles underlined by Recommendation No. 130 concerning the Examination of Grievances Within the Undertaking with a View to Their Settlement (1967).

One last point for discussion arises in this section. There are a few maritime nations in which it is not clear whether there is or can be recourse to conciliation in an attempt to settle unresolved disputes. If not, steps might be considered to make such procedures available to the parties, in line with Recommendation No. 92 concerning Voluntary Conciliation and Arbitration (1951), particularly Paragraph 1.

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Analysis of the replies sent in by governments indicate that there is an appreciable gap between industrial relations practices in the shipping industry in many countries and the provisions of accepted international standards, even though there already exist numerous international labour instruments in the field of industrial relations which are of general scope and automatically apply to the shipping industry.

As was pointed out in the resolution on industrial relations adopted at the 21st Session of the Joint Maritime Commission, in which some of these instruments are listed, the attention of member States should be drawn to appropriate provisions from existing ILO Conventions and Recommendations.

It is considered, therefore, that there is no absolute necessity for a new international labour instrument concerning industrial relations in the shipping industry since such an instrument could only repeat provisions which already exist. However, attention needed once more to be drawn to this problem and member States of the ILO with a maritime tradition must be encouraged to ratify and adopt existing Conventions and Recommendations and to apply them strictly. It is for this reason that the following draft conclusions are presented in the form of a resolution.

## 2. Draft Conclusions concerning Industrial Relations in the Shipping Industry

The Preparatory Technical Maritime Conference,

Having examined the question of industrial relations, which is the first item on its agenda, and

Having noted that the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949, which are applicable to the shipping industry, have been ratified by many, though not by all, maritime countries, and

Having noted the terms of other international labour Conventions and Recommendations which are concerned with industrial relations and general in their scope, in particular the Collective Agreements Recommendation, 1951, the Voluntary Conciliation and Arbitration Recommendation, 1951, the Co-operation at the Level of the Undertaking Recommendation, 1952, the Consultation (Industrial and National Levels) Recommendation, 1960, the Termination of Employment Recommendation, 1963, the Communications within the Undertaking Recommendation, 1967, the Examination of Grievances Recommendation, 1967, and the Workers' Representatives Convention and Recommendation, 1971, and

Considering that agreed approaches to the full and effective implementation of these various instruments in the shipping industry are desirable,

Adopts the following resolution and requests the Governing Body to transmit it to governments and to shipowners' and seafarers' organisations:

1. (1) The existence of strong and independent organisations of shipowners and seafarers, able to represent, further and defend the interests of their members, to enter into negotiations and to ensure the application of agreements arrived at, should be recognised by all concerned as being an important factor in the solution of the complex problems of the shipping industry and in its adaptation to technological change.

(2) Shipowners' and seafarers' organisations should recognise each other not only for purposes of bargaining and the conclusion of collective agreements on wages and conditions of employment but as collaborators in the promotion of the industry and the protection of those deriving their livelihood from it.

2. There should be close consultation and co-operation between shipowners and their organisations and seafarers' organisations on all matters of mutual

concern. Account should be taken, in this connection, of provisions of international labour Conventions and Recommendations specifically calling for such consultation and co-operation on particular issues, such as Paragraph 4 of the Employment of Seafarers (Technical Developments) Recommendation, 1970.

3. Representative organisations of shipowners and seafarers should work actively together in the establishment and implementation of policies and programmes for the benefit of seafarers and of the shipping industry, for instance in the framework of the joint accident prevention committees envisaged in the Prevention of Accidents (Seafarers) Convention, 1970, and of the welfare boards envisaged in the Seafarer's Welfare Recommendation, 1970.

4. There should be machinery appropriate to national conditions which permits the prompt settlement of disputes between shipowners and seafarers through conciliation, mediation or arbitration, in a climate of mutual confidence.

5. (1) There should be appropriate arrangements for training persons responsible for personnel management and industrial relations in shipping undertakings and on board ship in modern methods and sound practices.

(2) Representatives of seafarers within shipping undertakings and on board ship should have appropriate opportunities for training in industrial relations practices and for education concerning major issues confronting the industry. Account should be taken in this connection of the Paid Educational Leave Convention and Recommendation, 1974.

6. All parties concerned should seek to maintain good industrial relations on board ship. Importance should be attached, in this connection -

(a) to modern concepts of personnel management and sound labour management techniques, reviewing, as necessary, methods of maintaining discipline on board;

(b) to effective communication between the master and shipowner and the seafarers and their organisations, in particular by the rapid dissemination and exchange of complete and objective information;

(c) to the prompt settlement of grievances, in accordance with the Examination of Grievances Recommendation, 1967.

ANNEX I

## RESOLUTION ON INDUSTRIAL RELATIONS IN THE SHIPPING INDUSTRY

(Adopted at the 21st Session of the Joint Maritime Commission)

The 21st Session of the Joint Maritime Commission, held in Geneva from 20 November to 1 December 1972,

HAVING RECEIVED the report of the ILO on the various aspects of industrial relations in the shipping industry in a number of countries, as requested in a resolution adopted by the 55th (Maritime) Session of the International Labour Conference in 1970;

NOTING that industrial relations practices in the shipping industry in some countries accord favourably with the provisions of international labour instruments in this field such as those contained in Recommendations Nos. 91, 92, 94, 113, 129, 130 and other relevant ILO instruments, but that in other countries there appears to be a gap between such practices and the provisions of accepted international standards in this field;

REQUESTS the Governing Body of the International Labour Office:

1. To include this subject as an item on the agenda of the proposed Preparatory Technical Maritime Conference in 1974 with a view to the adoption of a comprehensive international instrument at the next Maritime Session of the International Labour Conference.

2. To ask the Director-General of the International Labour Office to prepare a report on this subject for submission to the next Preparatory Technical Maritime Conference, which should:

(a) take into account the information contained in the report on this subject submitted to the 21st Session of the Joint Maritime Commission together with any other pertinent information which would assist the Conference in its consideration of this question;

(b) draw attention to appropriate provisions from the aforesaid ILO Recommendations and other relevant ILO instruments; and

(c) embrace, in its draft conclusions, the following matters in relation to the shipping industry referred to in the resolutions adopted at the Maritime Session in 1970:

(i) the extent to which shipowners and seafarers are represented by their own organisations;

(ii) methods of settling disputes;

(iii) methods of consultation and collective bargaining between shipowners and seafarers;

(iv) arrangements for the maintenance and fostering of good relations on board ship, and between shipowners and seafarers, in relation to their affairs both on ship and ashore;

(v) facilities for seafarers' representatives on board (making reference, for example, to provisions of ILO Convention No. 135 and ILO Recommendation No. 143 which it is thought the Preparatory Technical Maritime Conference might consider relevant to the shipping industry).

The draft should deal particularly with provisions and arrangements that flow from legislation and collective agreements.

3. To suggest to the Director-General that when he prepares his report for submission to the Preparatory Technical Maritime Conference he should bear in mind the objectives outlined in the preamble to the resolution adopted at the Maritime Session in 1970, namely:

(a) close consultation and co-operation between the shipowners and seafarers on the complex problems of industrial relations in the shipping industry, accentuated by rapid technological changes;

(b) effective communication between the parties with a view to evolving flexible and efficient organisational structures of negotiating machinery; and

(c) effective personnel management on board ship.

ANNEX II

## INTERNATIONAL AFFILIATIONS OF SEAFARERS' ORGANISATIONS[1]

| Country | Union or federation | International affiliation |
|---|---|---|
| Argentina | Federación Argentina Marítima | ITF[2] |
| | Confederación Argentina de Trabajadores del Transporte | ITF |
| Australia | Marine Cooks', Bakers' and Butchers' Association of Australasia | ICFTU through the Australian Council of Trade Unions |
| | Seamen's Union of Australia | |
| | Merchant Service Guild of Australia | |
| | Professional Radio Employees' Institute of Australasia | |
| Bangladesh | One (unspecified) of the four existing unions | ITF |
| Belgium | Union belge des ouvriers du transport | ITF |
| | Centrale chrétienne des ouvriers du transport | IFTUTW[3] |
| Canada | Seafarers' International Union | Parent bodies in the United States |
| | Canadian Marine Officers' Union | |
| | Most of the major seafarers' unions | ITF |
| Colombia | Unión de Marinos Mercantes | ITF and parent bodies in the United States |
| | Asociación de Marinos Profesionales de Colombia | |
| Finland | Finnish Ships' Officers' Union | ITF |
| | Finnish Engineering Officers' Union | ITF |
| | Finnish Seamen's Union | ITF and Scandinavian Transport Workers' Federation |
| France | Confédération générale du travail | WFTU[4] |
| | Confédération générale du travail - Force ouvrière | ITF |
| German Democratic Republic | Freier Deutscher Gewerkschaftsbund | TUI/Transport[5] |
| Federal Republic of Germany | Gewerkschaft Öffentliche Dienste, Transport und Verkehr | ITF, ICFTU[6] |
| Ghana | National Union of Seamen | ITF |
| Greece | Pan-Hellenic Seamen's Federation | ITF |

[1] The information contained in this Annex is for the most part given in the original language of the replies received from governments.

[2] International Transport Workers' Federation.

[3] International Federation of Trade Unions of Transport Workers (World Confederation of Labour (WCL)).

[4] World Federation of Trade Unions.

[5] Trade Unions International of Transport, Port and Fishery Workers.

[6] International Confederation of Free Trade Unions.

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|---|---|---|
| Guyana | Three seafarers' unions, not specified | ITF |
| India | Maritime Union of India | ITF |
| | National Union of Seamen of India, Calcutta | ITF |
| | National Union of Seafarers of India, Bombay | ITF |
| Ireland | Seamen's Union of Ireland | ITF |
| Israel | A federation of four seafarers' unions | ITF |
| Italy | Federazione Italiana Lavoratori del Mare (CISL) | ITF |
| | Federazione Italiana Lavoratori del Mare (CGIL) | WFTU |
| | Unione Italiana Marittimi (UIL) | ITF |
| Japan | All Japan Seamen's Union | ITF |
| Mexico | Orden de Capitanes y Pilotes | ITF |
| | Asociación Sindical de Maquinista | ITF |
| | Unión de Marineros y Fogoneros | ITF |
| Netherlands | Federation of Organisations of Seafarers | ITF |
| | Roman Catholic Union of Transport Workers | IFTUTW |
| | Protestant Union of Transport Workers | IFTUTW |
| Nigeria | Nigerian Union of Seamen | ITF |
| Panama | Federación Nacional de Marinos | ITF |
| Paraguay | Unions through the League of Maritime Workers of Paraguay | ITF |
| Poland | Seamen and Dockers' Union | TUI/Transport |
| Sierra Leone | Sierra Leone Articled Seamen's Union | ITF |
| Switzerland | FCTA (seafarers' section) | ITF |
| Trinidad and Tobago | Seamen and Waterfront Workers' Trade Union | ITF, ICFTU, SIU[1] |
| USSR and Ukrainian SSR | Union of Workers in the Sea-going and River Fleets | TUI/Transport |
| United Kingdom | Merchant Navy and Airline Officers' Association | ITF |
| | National Union of Seamen | ITF |
| | Radio and Electronic Officers' Union | ITF |

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[1] Seafarers' International Union of North America.

ANNEX III

## LIST OF NATIONAL OFFICIAL BODIES ON WHICH SHIPOWNERS AND SEAFARERS ARE REPRESENTED

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| Australia: | Marine Council, reporting to the Minister for Shipping and Transport.<br>National Crew Accommodation Committee.<br>Various manning committees. |
| Chile: | National Committee on Maritime, River and Lake Labour. |
| Denmark: | Industrial Safety and Health Committee of the Shipping Industry.<br>Manning Board.<br>Welfare Council of the Mercantile Marine.<br>Council for the Prevention of Oil Pollution of the Sea.<br>Ship Inspection Council.<br>Joint Council of the Shipping Industry.<br>Training Board of the Shipping Industry.<br>Seafarers' Taxation Board.<br>Various ad hoc committees set up to deal with specific questions. |
| Finland | Advisory Committee on Seamen's Affairs, assisting the Ministry of Social Affairs and Health.<br>Ship Inspection Committee advising the National Board of Navigation. |
| France: | Mercantile Marine Employment Board.<br>Higher Council of the Mercantile Marine.<br>Higher Council of the National Disabled Seamen's Agency.<br>Maritime Vocational Training Committee.<br>National and regional conciliation boards.<br>National Committee on Collective Agreements in the Mercantile Marine.<br>Labour Organisation Board.<br>Central Safety Council. |
| Federal Republic of Germany: | Committee of experts on manning and vocational training, and various accident insurance bodies. |
| Ghana: | Ghana Seamen's Employment and Welfare Board (to be established). |
| Greece: | Various committees such as pension funds, placement offices, arbitration committees, seafarers' vocational training committees, etc. |
| Iraq: | Various official boards and committees such as those dealing with wage fixing, termination of employment, arbitration, administration, etc. |
| Israel: | A statutory committee dealing with rules and regulations pertaining to issue of certificates of competency.<br>A consultative committee for the Ministry of Transport concerning shipping legislation.<br>A disciplinary committee dealing with serious breaches of discipline.<br>Various ad hoc committees. |
| Japan: | Labour Relations Commission for Seafarers. |
| Khmer Republic: | Upper Chamber. |
| Malta: | Wages Council set up for the purpose of fixing conditions of employment for seamen. |

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|---|---|
| Panama: | Maritime Labour Committee. |
| Paraguay: | Permanent Conciliation and Arbitration board within the Directorate of Labour.<br>Institute of Social Welfare.<br>General Directorate of the Merchant Marine. |
| Poland: | Disciplinary Committee.<br>Conciliatory Committee.<br>Accident Committee.<br>Company Economic Committee.<br>Crew Welfare Committee.<br>Cultural and Educational Committee. |
| Portugal: | National Committee for the Study of Personnel Problems in the Merchant Marine. |
| Trinidad and Tobago: | Joint Maritime Advisory Committee.<br>Seamen's Pool. |
| Tunisia: | Consultative Committee on Maritime Collective Agreements. |
| United Kingdom: | Various ad hoc official boards and committees set up to deal with matters of concern to shipowners and seafarers. |
| Venezuela: | National Board for the Merchant Marine. |