



EuDA Annual General Meeting

16 November 2010, Brussels

EuDA Social Committee

Implementation of ILO Maritime Labour Convention

Henry Bleker

Social Committee

European Dredging Association

European Dredging Association 2010

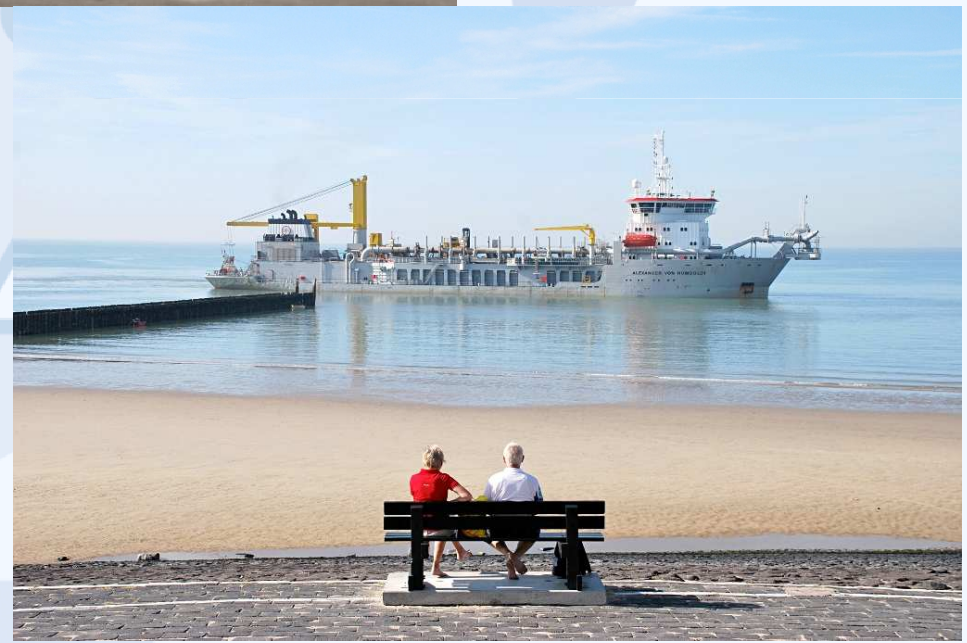


Agenda

- Introduction to Dredging and EuDA
- Commitment of the European Dredgers
- Introduction to Questionnaire
- Key Findings
- Conclusion



Introduction to EuDA and MLC 2006





Dredging means transporting

Dredging is the maritime transportation of natural materials from one part of the water environment to another by specialised dredging vessels.

Dredging vessels transport

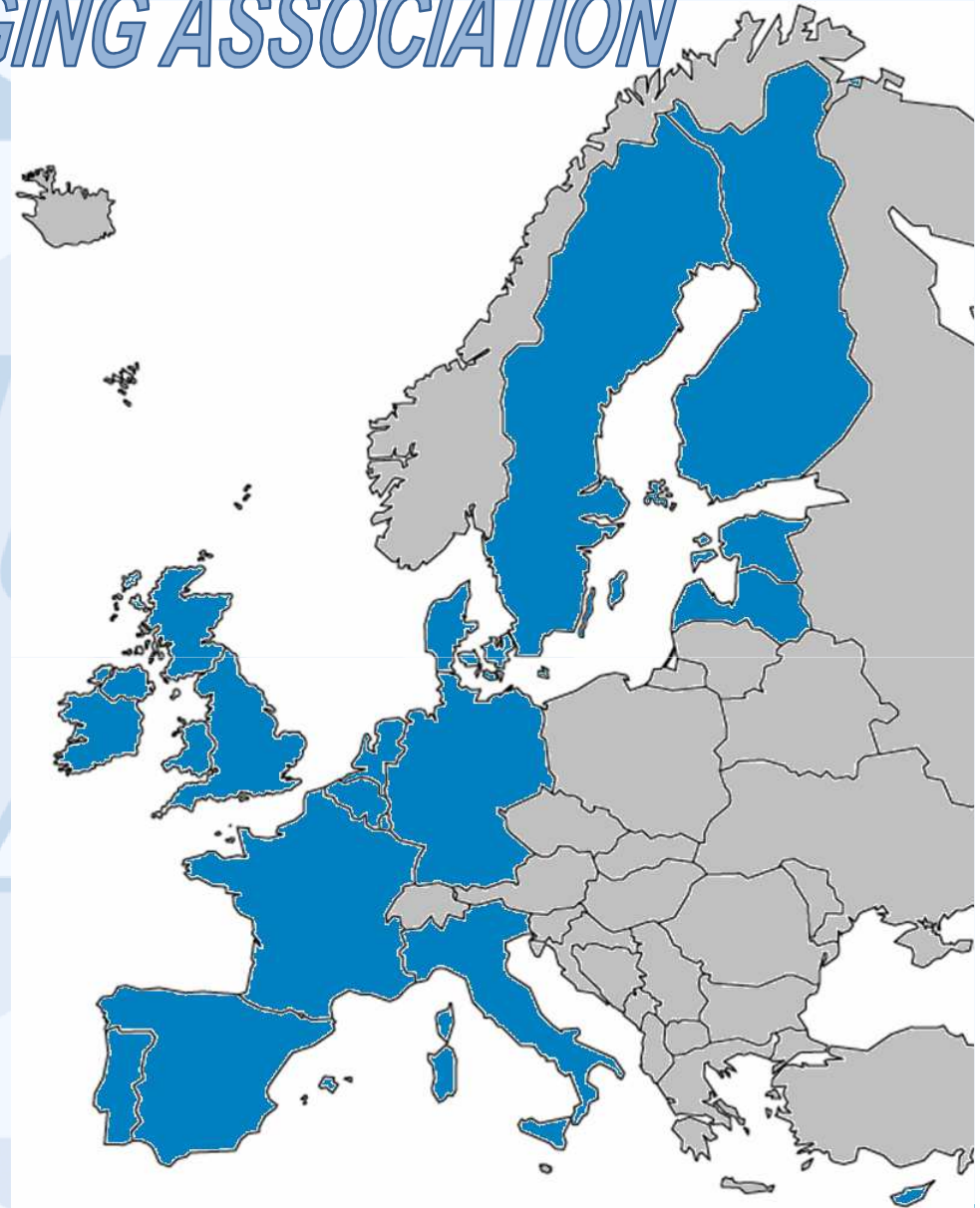
- Sand
- Rock
- Gravel
- Silt





EUROPEAN DREDGING ASSOCIATION

- founded in 1993
- represents the European Dredging Companies
- from 16 EU Members States
- world leaders (top 4)
- with a turnover (2009): € 6.0 bn
- +/- 25,000 European direct employment
- >48,300 indirect employment (*supply and service companies*)





EuDA at CMLC 2006

- ✓ EuDA delegation present during ILO-conference Feb. 2006
- ✓ 3 items of concern:
 - ↳ Definition ship
 - ↳ Definition seafarer
 - ↳ Grandfather clause



Results CMLC 2006

✓ Definition Ship:

Ship means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply

✓ Definition Seafarer:

Seafarer means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies

(A resolution was accepted to give guidance on exemptions)

✓ Grandfather Clause:

Grandfather clause described in Regulation 3.1.3



EuDA and MLC 2006-2010

- ✓ Monitoring EU-developments (Social Partner Agreement /implementation MLC in EU-member states)
- ✓ Monitoring MLC-developments within ILO
- ✓ Executing a questionnaire among EuDA-members



Introduction to Questionnaire





Purpose of the Questionnaire

The EuDA Social Committee developed an MLC questionnaire with two main objectives:

- **raise awareness** about the process and the potential pitfalls (for the dredgers);
- collect **relevant information** on the legislative process in the Member States.



Brief Overview of the Items

1. **Status of ratification** in various countries
2. **General approach** for implementation (new laws /adapt existing laws)
3. **Involvement EuDA-member** in the legislative process
4. **Potential impact** of the implementation on company
5. **Areas of concern**
6. **Use of ‘substantial equivalence**
7. **Recognition special features dredgers in local/national solutions**



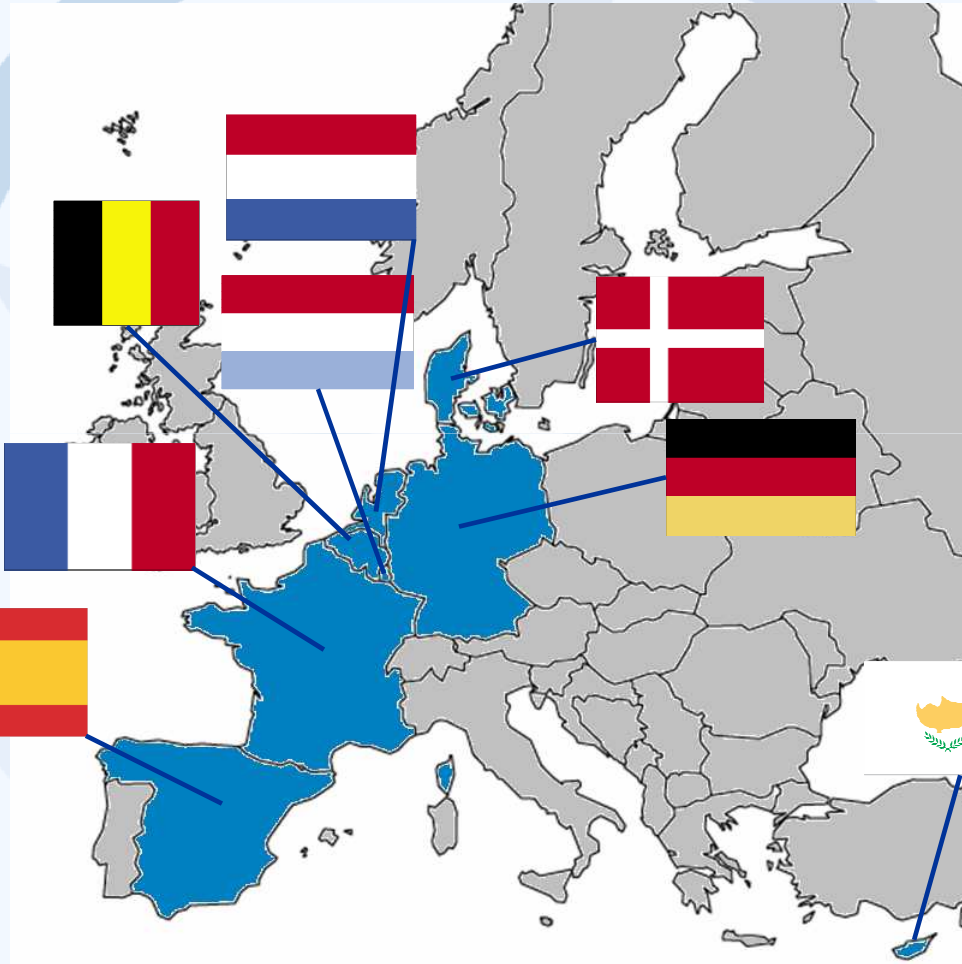
Geographic Coverage





Geographic Coverage

8 EU Member States
4 non EU countries





Findings





General Trends

- Dredging companies involved in legislative process of the countries of their HQ and flag;
- Dredging companies use National Associations as interface with the government.



Status of Ratification

ILO Maritime Labour Convention 2006

Year	Country	Ratification date	Status
2006	Liberia	07/06/2006	ratified
2007	Marshall Islands	25/09/2007	ratified
2008	Bahamas	11/02/2008	ratified
2009	Panama	06/02/2009	ratified
	Norway	10/02/2009	ratified
2010	Bosnia & Herzegovina	18/01/2010	ratified
	Spain	04/02/2010	ratified
	Croatia	12/02/2010	ratified
	Bulgaria	12/04/2010	ratified
	Canada	15/06/2010	ratified

Source: ILOLEX – 14/10/2010



Status of Ratification (continued)

ILO Maritime Labour Convention 2006

Country	Expected Ratification Year
Belgium	? 2011
Cyprus	? 2011
Denmark	2010
France	?2011
Germany	2011
Luxembourg	?2010
Netherlands	2010



General Approach

- The general approach: adaptation existing laws (where history of social legislation for seafarers).
- The number of adapted laws : 5 - 36.
- DE, CY choose mixed approach, adapting existing and creating new.



Involvement

The involvement of the dredgers has included

- consultations/debates
- contributions
- direct contact

National Associations (dredging or ship owners) used as interface for lobby towards competent authorities



Involvement (continued)

Noted difficulties:

- dredging specifics not always understood;
- information kept from non negotiating parties (confidentiality);
- hard to get attention for specific requests.



Potential Impact

- ✓ Estimation of required investments in dredgers (time/money) difficult
- ✓ Anticipation for investment in existing (older/smaller) fleet:
 - noise level reduction;
 - accommodation.
- ✓ Estimation general investment of 1 man year.



Areas of Concern

- **definition of **ship****
(which could include non self-propelled platforms);
- **definition of **seafarer****
(which could include any staff working onboard a ship);
- **‘grandfather clause’ for the existing fleet**
(to keep at reasonable levels the investments for MLC compliance);
- **‘No more Favourable Treatment’ of Port State Control**
(particularly when legislations differ between Flag State and Port State);



Areas of Concern (continued)

- **employment contracts** between seafarers and non ship owning third parties;
- **salary conditions**
(e.g. overtime, equality clause);
- **medical certificate**
(should be accepted by all Flag States);
- **timely MLC Certification** of the fleet
(delays in the legislation, lack of manpower in Recognised Organisations, possible problems to prove compliance).



Use of 'Equivalence'

Some countries, e.g. the Netherlands, use 'substantial equivalence' for employment contracts between seafarers and employment agencies.

Main concern: Acceptance by all Port States.

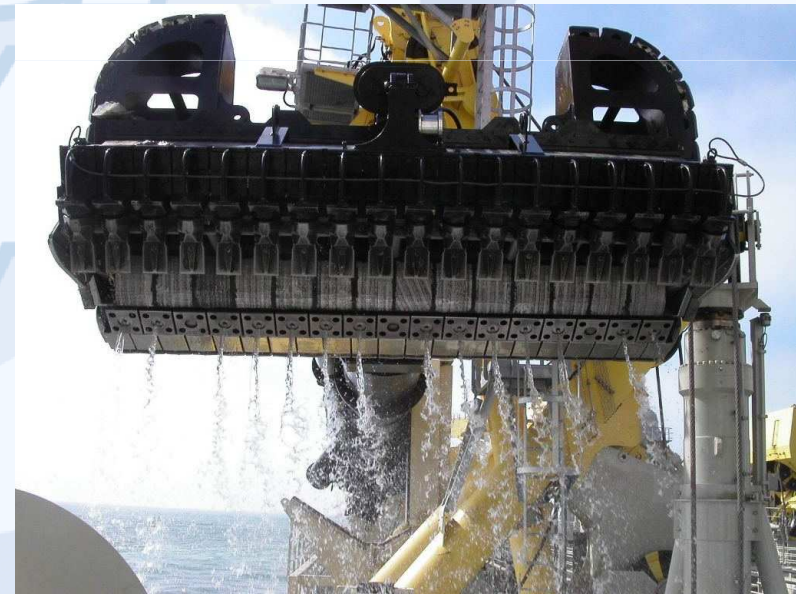
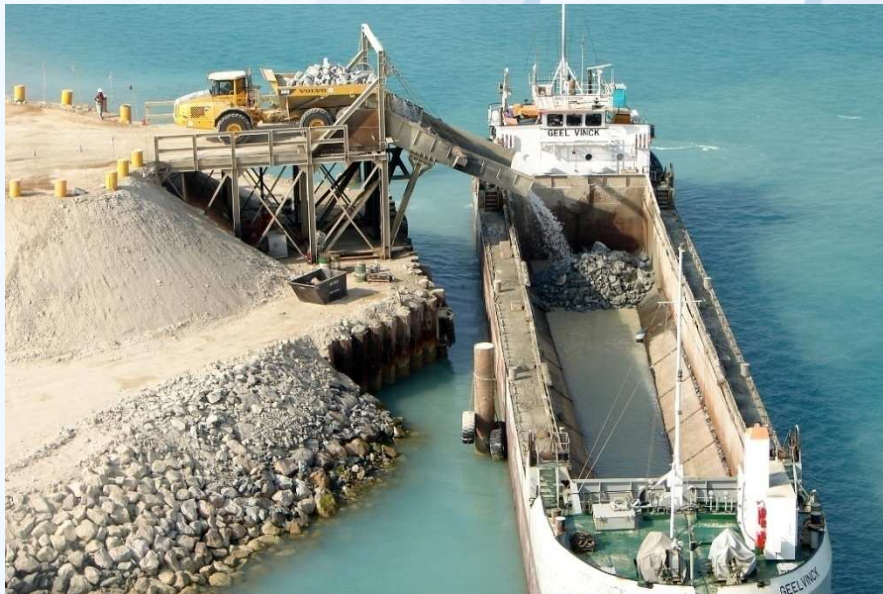


Additional findings

- ✓ No specific solutions for dredger reported.
- ✓ Concerned of competition distortions on the social field (flag disadvantages).



Conclusion





Conclusion

Key expectations of European Dredgers on MLC:

- ⇒ Achieving **level playing field in the ‘social’ standards**;
- ⇒ Minimum standards will eliminate ‘social dumping’, hence **competition** will be “**fairer**”;
- ⇒ **New opportunities** for European Dredgers.
- ⇒ **Practical issues** need attention as they might disturb level playing field.



Thank you !

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