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Working and living conditions in inland navigation in the European region

Hyunsoo Yoon

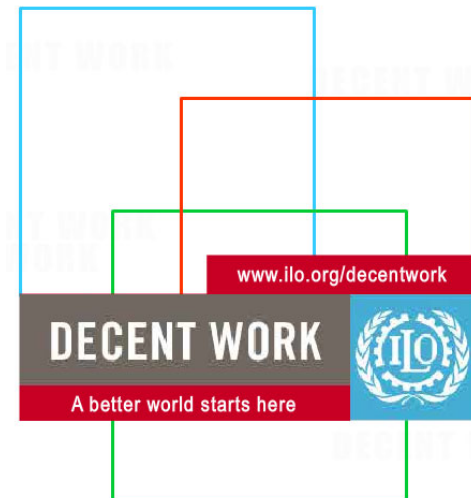
**Technical Officer, Maritime and Transport
International Labour Organization**

**UNECE Working Party on the Standardization
of Technical & Safety Requirement in Inland Navigation
Geneva, 25 June 2014**



About the ILO

- Specialized agency of the UN
- Main aim
 - Promoting worker's rights at work
 - Encouraging decent employment
 - Enhancing social protection
 - Strengthening social dialogue
- Tripartite structure



About the ILO

- Long history of work in the maritime and transport sectors
- Maritime Labour Convention, 2006
- Work in Fishing Convention, 2007 (No. 188)





What is Maritime Labour Convention, 2006?

- “Bill of Rights for seafarers”
Comprehensive instruments establishing comprehensive minimum requirements for almost all aspects of working conditions for seafarers
- Successful entry into force (20 Aug. 2013) with ratifications by 56 Members & more than 80% of world fleet volume
- 1st STC was held to adopt two amendments in May



Main structure of the MLC, 2006

- **Minimum requirements** (minimum wage, medical certificate, training and qualifications, recruitment & placement)
- **Conditions of employment** (employment agreements, wages, hours of work and rest, leave, repatriation, compensation, manning levels, career and skill dev't)
- **Accommodation, recreational facilities, food and catering**
- **Health protection, medical care, welfare & social security protection** (w/ shipowner's liability)
- **Compliance & enforcement** (maritime labour certificate, Port State responsibilities, inspection and complaint, etc.)



History of ILO work in inland navigation

- Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8)
- Special Tripartite Conference concerning Rhine Boatmen, 1949
- Sectoral Activities Programme 2012-13 (GB 310th Session)
- Launch of the ILO study on inland navigation in 2013



Outline of the ILO study

- Aim
 - Overview of current regulatory frameworks
 - Highlight gaps in the protection of crews among them
 - Search for ways to improve working and living conditions
- Scope
 - European region (UNECE member states)
 - International (UNECE), regional (EU, CCNR, DC), national level
- Issues
 - Minimum requirements
 - Conditions of service
 - Safety, health & well-being
 - Social security
 - Enforcement

Labour market in inland navigation

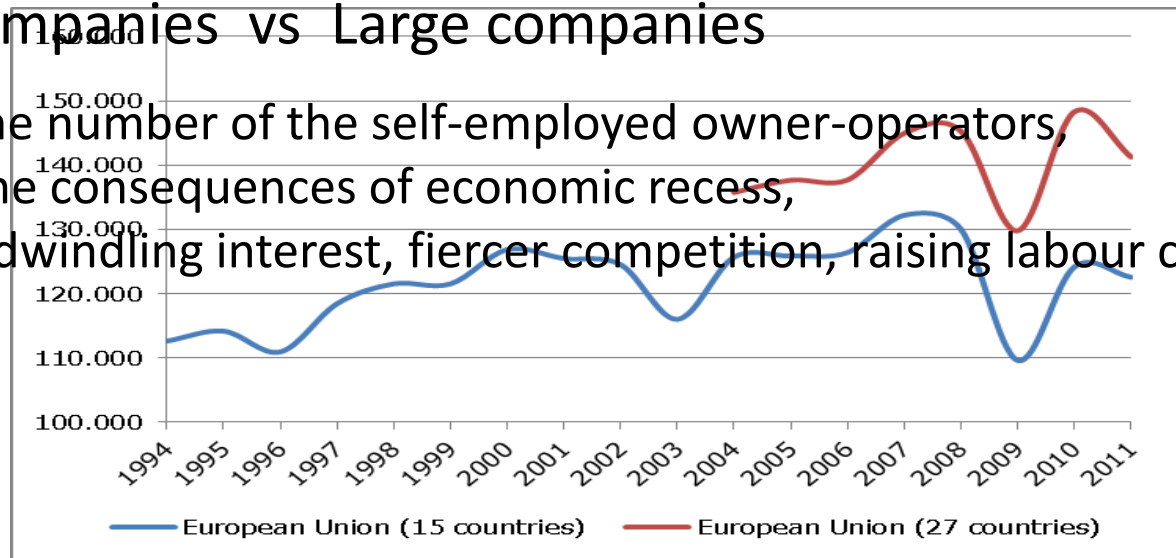
Structure of the IWT labour market

- Fluctuation in transport performance, but general trend of decrease due to impact of global economic crisis

Annual trends in billion-ton kilometres in the EU

- **Small companies vs Large companies**

Rise in the number of the self-employed owner-operators, mainly the consequences of economic recess, such as, dwindling interest, fiercer competition, raising labour cost, etc.





Labour market in inland navigation

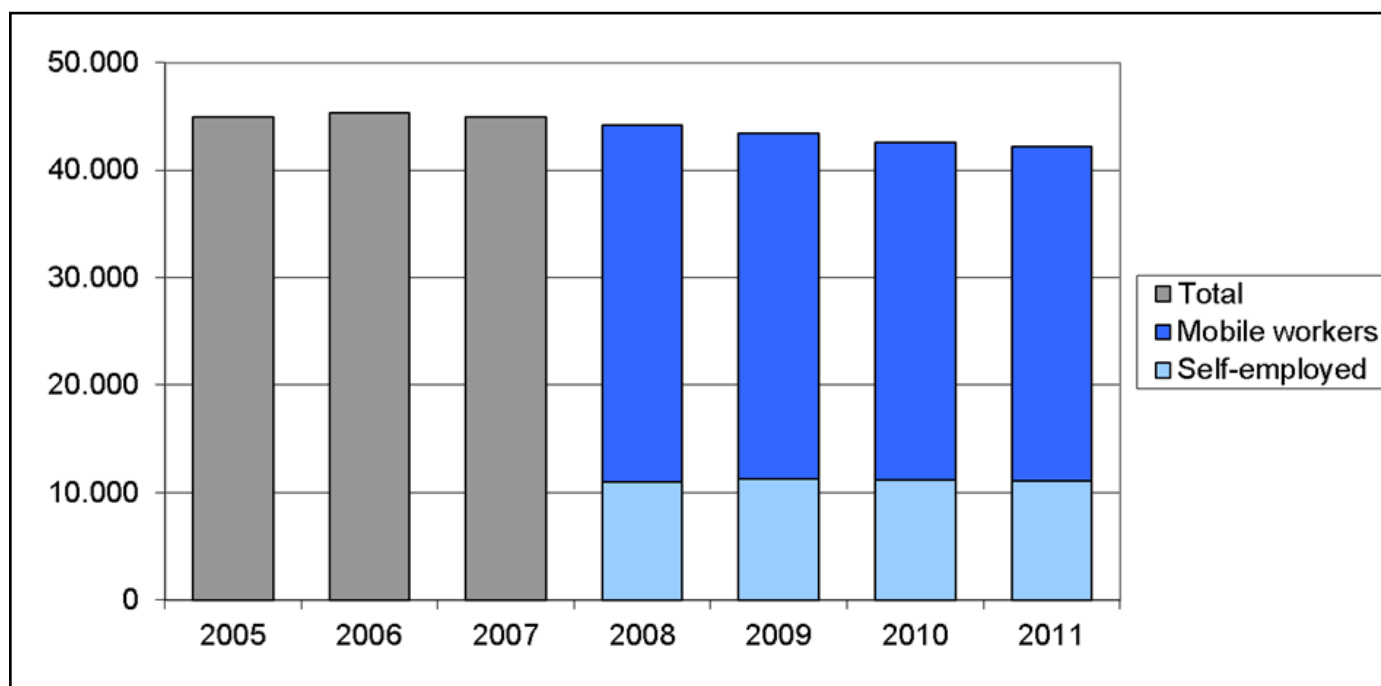
Employment trends

- Key labour supply states
 - Netherlands, Germany, France, Luxembourg, Italy
- General decrease in the levels of employment
 - Relatively lower demand for mobile workers
 - Increasing number of the self-employed
- Exceptional case of Luxembourg
 - Increase in vessel registrations and employment (433 to 2,500)
 - Lower labour and social security costs, advantageous tax regime

Labour market in inland navigation

Employment trends (overall figure)

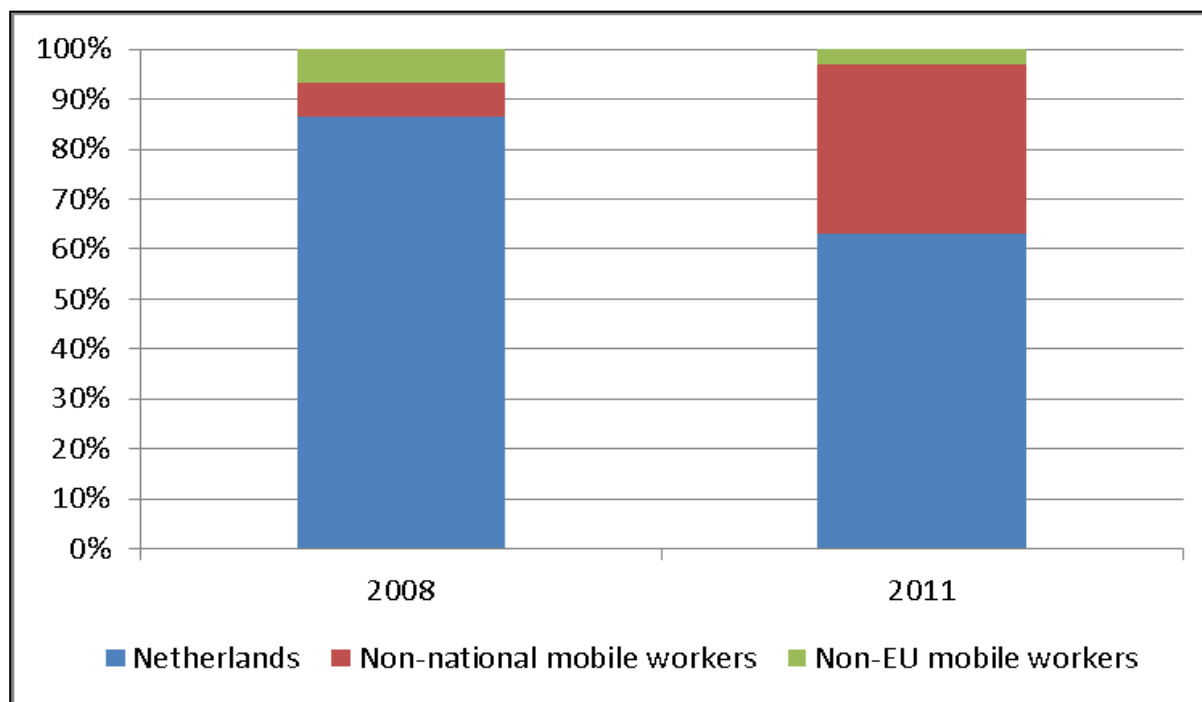
Development of the total IWT employment from 2005 to 2011 in EU-28, broken down by mobile workers and self-employed from 2008 to 2011



Labour market in inland navigation

Employment trend (Foreign crews figure)

Distribution of nationalities of mobile workers in the Netherlands in 2008





Minimum requirements

Minimum age

- General minimum entry level; 16 yrs
- Minimum age for boastmaster slightly varying; CCNR 21, EC 18/21, DC 21, UNECE 18/21
- UNECE Res. 31 (2009 rev.) recognizes diversity of existing various requirements on minimum age
- Effort to harmonize crew qualifications already in place, but only for the mutual recognition of formal qualifications

Minimum requirements

Medical examination & fitness

- Requirements for physical fitness and regularity of health certification vary among regulatory frameworks and countries
 - ex) No mental fitness in ISRBC
 - Renewal of health certificates for boamasters by age; 1 year vs 3 – 5 years vs 5 years vs 10 years
- CCNR imposing comprehensive and stringent set, whereas the others with more simplified set and procedure

Physical fitness requirement

CCNR	EC	DC	UNECE
<p>I. Eyesight</p> <ol style="list-style-type: none"> 1. Eyesight at daylight: with or without visual aids, at least 0,8 with both eyes or with the best eye. Seeing with one eye only is allowed. 2. Night blindness: to be investigated only in case of doubt. Mesotest without blinding at an intensity level of 0,032 cd/m², result: contract 1:2,7. 3. Adaptation to darkness: to be investigated in case of doubt only. The result may not deviate more than one log unit of the normal curve. 4. Sight range: anomalies in the sight range of the best eye are not allowed. In case of doubt, a perimetric investigation is to be carried out. 5. Colour distinction: the colour distinction capacity shall be considered sufficient when the candidate meets the Farnsworth Panel D15 test or a recognised test with colour panels. In case of doubt, to be tested with an anomaloscope, where the Anomal quotient at a normal trichromasy must be between 0,7 and 1,4 or with another equivalent test. Recognised tests are: Ishihara according to panels 12 till 14, Stilling/Verhagen, Boström, HRR (result at least "mild", TMC (result at least "second degree", Holmer-Wright B (result 8 failures at most at "small"). 6. Motility: unrestricted agility of both eyes, no cross-eyedness. <p>II. Hearing</p> <p>Hearing is considered sufficient when the average hearing loss of both ears at the frequencies 500, 1000, 2000 and 3000 Hz does not exceed 40 dB(A). If the 40 dB value is exceeded, the hearing capacity may still be considered adequate, when conversational speech at 2m distance is still being understood clearly using a hearing aid.</p> <p>III.</p> <p>There may be no other findings from medical checks that rule out physical fitness. In case any of the following diseases or physical disorders occur, this may give rise to doubts regarding the physical fitness of the applicant:</p> <ol style="list-style-type: none"> 1. Illnesses that involve consciousness or balance disorders; 2. Illnesses or lesions of the central or peripheral nervous system, showing clear functional disorders; in particular organic illnesses of the brain or the spine and the respective side effects, functional disorders after skull or brain damage, cerebral blood circulation disorders; 3. Mental illnesses 4. Diabetes with considerable, not well controllable fluctuations of the blood sugar levels; 5. Manifest endocrine disorders; 6. Serious illnesses of the blood-producing organs; 7. Asthmatic bronchitis with seizures; 8. Illnesses or changes in the heart or blood circulation resulting in a decreased condition 9. Illnesses or effects after an accident that lead to a considerable mobility impairment, loss or strong reduction of strength in one of the limbs that are important for the work to be carried out; 10. Chronic alcoholism, as well as drug addiction, or other types of addiction. 	<p>The applicant shall provide proof of physical and mental fitness by passing a medical examination carried out by a doctor recognised by the competent authority. That examination shall cover in particular visual and auditory acuity, colour vision, motricity of the upper and lower limbs and the neuro-psychiatric state and cardiovascular condition of the applicant.</p>	<p>Applicant must satisfy the requirements on physical and mental fitness, including eyesight, hearing and the ability to distinguish colours, and present a medical certificate issued by a doctor, appointed by a competent body.</p>	<p>Proof of physical fitness by passing a medical examination which tests amongst other things eyesight, hearing and the ability to distinguish colours.</p>

Minimum requirements

Education, training and recruitment

- Lack of harmonized requirements for level of education, training & general qualifications

Causing difficulty in mutual recognition and problems in communication , etc.

- Current improvement and growing regional efforts is expected to narrow the gaps in a great deal

EDINNA has introduced STCIN, PLATINA for NAIADES action programmes

Minimum requirements

Certificates & qualifications

- Importance in creating fair condition for competition
- Despite considerable achievements, still some gaps
 - ✓ NAIADES I & II for policy harmonization
 - ✓ Varying requirements for professional experiences (2 – 4 yrs)
Varying definition of a “year” (180 days / 250 days / no specification)
Local knowledge requirement (CCNR / DC)
Discrepancies in considering past infraction history, etc.

Minimum requirements

Professional experience requirements

CCNR	<p>(a) 4 years, including at least 2 years of inland navigation as rating or engine-minder, or at least 1 year as leading crewman.</p> <p>(b) The navigation time must be done on a self-propelled vessel for which a Rhine Patent is required.</p> <p>(c) The navigation time is calculated as 180 days of navigation per calendar year.</p> <p>(d) The required 4-year experience may be reduced as follows: – By a maximum of 3 years for the time spent in a training programme – By a maximum of 2 years for the maritime experience (minimum 250 days of navigation needed per calendar year) – The experience must be proved by a service record delivered by the Rhine authorities or a valid administrative document as described in article 2.09 of the Rhine Patent Regulation.</p>
DC	<p>(e) 4 years as a crew member, including at least 1 year as rating or helmsman on a self-propelled vessel.</p> <p>(f) Maritime experience counts for a maximum of 2 years. Professional training counts as professional experience.</p> <p>(g) Definition of navigation time</p> <p>(h) The requirement is considered to be satisfied if candidates have a certificate confirming their nautical knowledge and skills, delivered by the DC member states or other Danube countries</p>
EC	<p>(i) 4 years' professional experience as a member of the deck crew on an inland waterway vessel.</p> <p>(j) Must be validated by the competent authority of the Member State by being entered in a personal service record.</p> <p>(k) May be reduced by a maximum of 3 years: – Where the applicant has a diploma recognized by the competent authority which confirms specialized training in inland navigation comprising practical navigation work; – Professional experience acquired on a sea-going vessel as a member of the deck crew (reduction of 3 years requires 4 years' experience in maritime navigation) – Passing a practical examination in sailing a vessel; the certificate shall in that case cover only vessels with nautical characteristics similar to those of the vessel which underwent the practical examination.</p>
UNECE	<p>(l) 2 years' professional experience, acquired in the deck department on board an inland navigation vessel, at least as a rating.</p> <p>(m) Must be validated and/or approved by the Administration.</p> <p>(n) The minimum duration may be reduced if:</p> <ul style="list-style-type: none"> – The Administration requires special training considered as equivalent – The candidate possesses a diploma of specialized inland navigation training, comprising a period of mandatory on-board service – The Administration decides to take into account the maritime experience.

Minimum requirements

Local knowledge requirements

Country	Stretch	Required knowledge / experience	Procedure
Austria	Danube River (three stretches)	16 trips on the respective stretch (8 upstream, 8 downstream)	Experience is shown through service booklet
Belgium	None		
Bulgaria	None		
Czech Rep.	None		
Finland	None		
France	None		
Germany	Rhine (Iffezheim - Spijksche Veer);	16 trips on the respective stretch in the last 10 years (and 3 times in each direction in the last 3 years) plus local conditions and regulations.	Experience is shown through service booklet and take exam
	Elbe (Schöna - Hamburg Port); Weser (Hannover-Münden - Oberweser); Danube (Vilshofen -Straubing); Untere Havel-Wasserstraße (Plaue -Havelberg), if water at Unterpegel athenow is above 130 cm; Oder (Ratzdorf - Widochowa); Saale (Elbe - Calbe).	16 trips on the respective stretch in the last 10 years (and 3 times in each direction in the last 3 years).	Experience is shown through service booklet
Hungary	All	16 trips on the respective stretch (8 upstream, 8 downstream) plus local conditions and regulations.	Experience is shown through service booklet and take exam
Italy	Unknown		
Lithuania	None		
Luxembourg	None		
Netherlands	None		
Poland	There are some stretches on Vistula and Oder affected		
Portugal	None		
Romania	None		
Slovakia	Unknown		

Minimum requirements

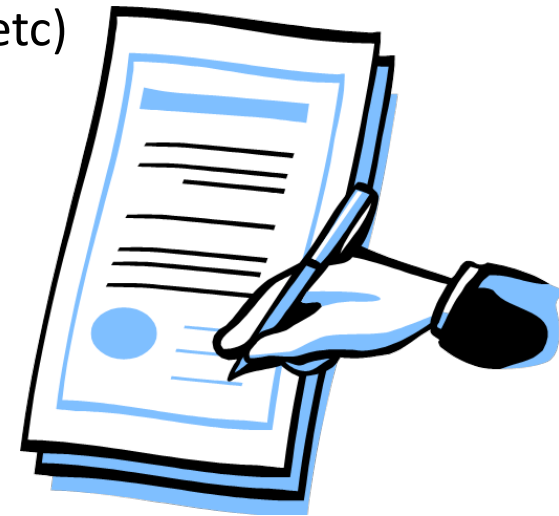
Local knowledge requirements (cont'd)

Country	Stretch	Required knowledge / experience	Procedure
United Kingdom	Tidal River Thames (Putney Bridge - eastern limit of the Thames Barrier Control Zone)	6 months / 60 days of service, including work in different directions, in varying conditions and darkness Local conditions and regulations	Show experience through service booklet and take exam
	Portsmouth Harbour Isles of Scilly	6 months / 60 days of service Local conditions and regulations	Show experience through service booklet and take exam
	Padstow Harbour	6 outward, 6 inward journeys under supervision of a Harbour Authority representative Local conditions and regulations	Show experience through service booklet and take exam
	Bristol Port Caernarfon and Menai Strait Dee Conservancy Dover Harbour Fowey Harbour Gloucester Harbour Port of Liverpool Teignmouth	Local conditions and regulations	Take exam

Conditions of service

Work agreements

- Primarily governed by domestic legal frameworks, thus no authority for the international org. to regulate.
cf) 1954 Agr't on Working Conditions of the Rhine Boatmen (working hours, rest time, fair wage, annual leave, special allowance, etc)
- Applicability of collective agreements varies, items dealt by agreement also are different among the regions and countries.
- Enforceability of work agreements varies.








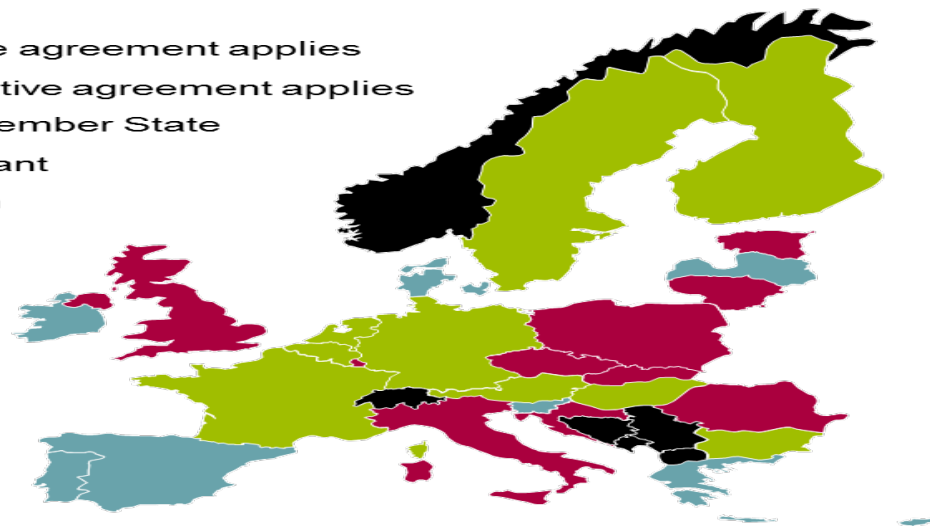
Conditions of service

Work agreements

Collective Agreements in Europe

Legend

-  Collective agreement applies
-  No collective agreement applies
-  No EU Member State
-  Not relevant
-  Unknown



Source ; Ecorys 2013

Conditions of service

Wages

- Primarily domestic issue with very little harmonization
- Differences in the wage between;

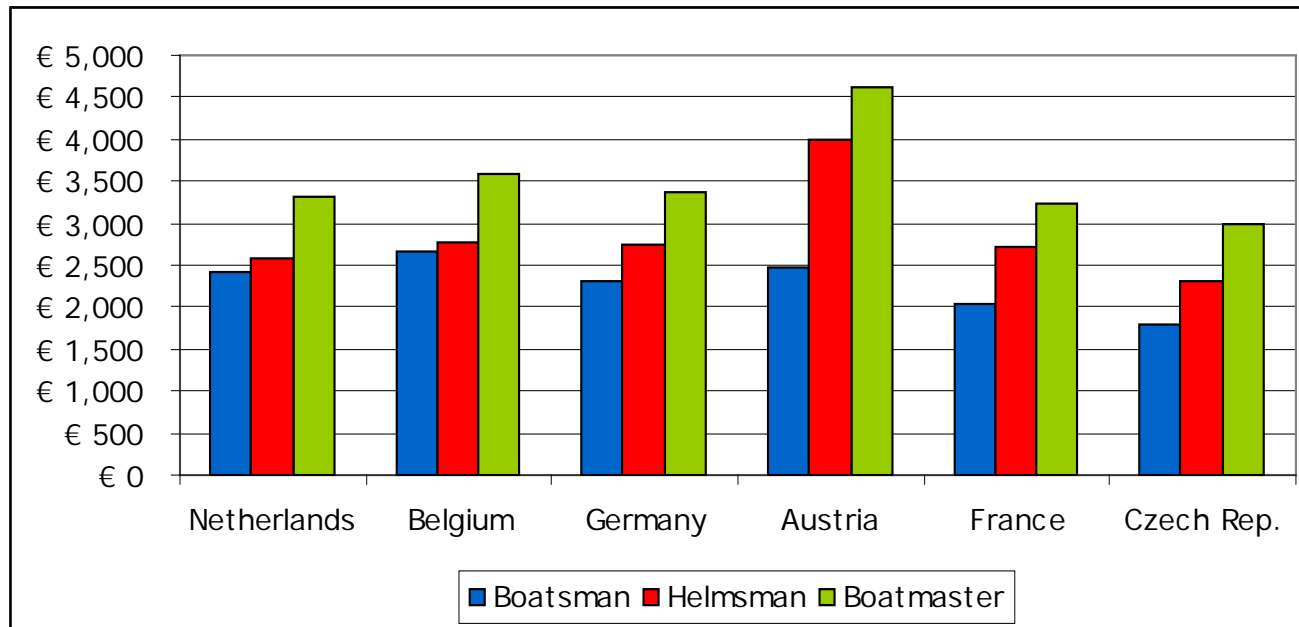
Domestically recruited crews and those from abroad (EU/non-EU)

Directly recruited crews and those recruited through manning agencies

- No int'l / regional rule or regulation or semi-binding recommendation on the basic minimum wage, wage-setting process, wage calculation method, etc.

Conditions of service

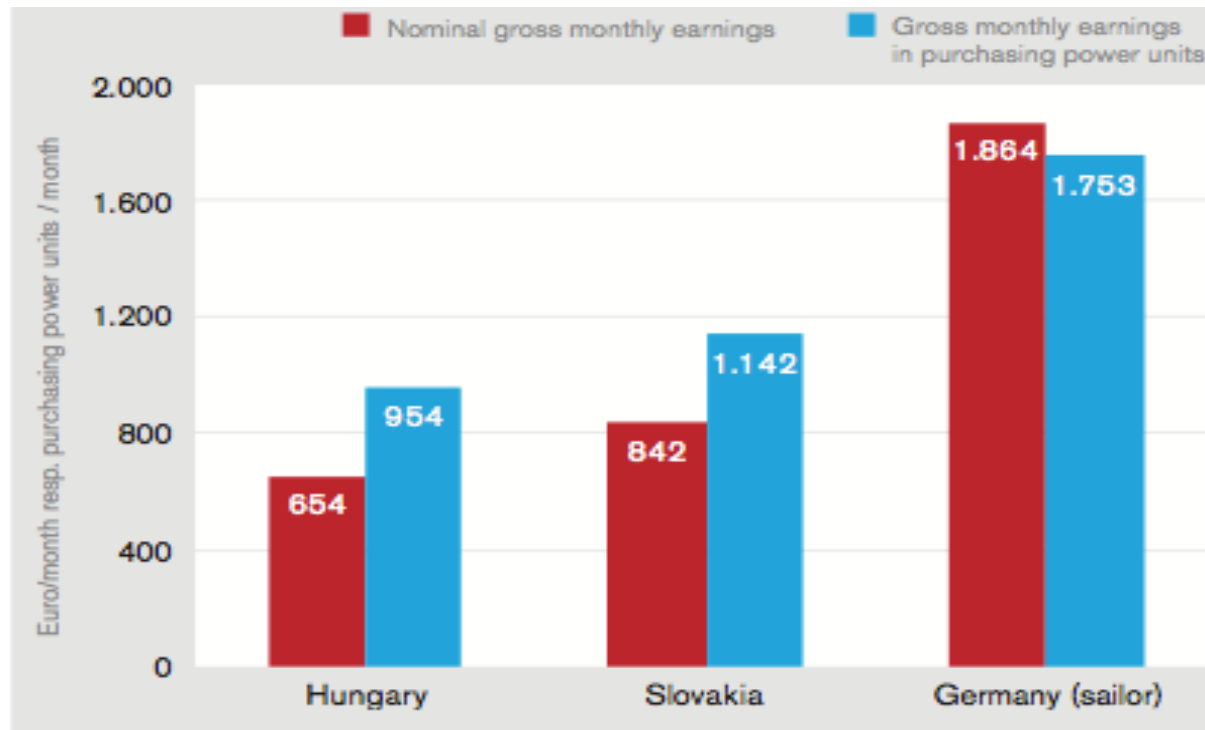
Gross wages per month for various posts



Source ; Eurostat

Conditions of service

Monthly wage comparison in inland navigation



Source ; CCNR

Conditions of service

Working time

- EU Directive (2003/88/EC), but on the whole, suffer from fragmented definition and regulations

General average working time is mostly 48 hours, but, still confusion due to different reference period or maximum weekly working time (50 – 112 hours)

- 2012 Agreement on working time in EU Social Dialogue Committee



Conditions of service

Working time

Applicability of IWT regulation

Criterion	National regulations	Collective agreements
Flag of vessel	EE, FI, HU, IT, LT, RO, SE	AT*, BG, FR, HU
Seat of operator	BE, LU	AT, DE, HU, NL
Nationality of employer		BG, HU
Nationality of worker		BG***, FR
Residence of worker	PL	
Geographical position of vessel	BE, DE, NL, PL, UK	
Port visit	SE	
Other	AT, BG, FI, SK	BE**
Unspecified / unknown	CZ, HR	FI****, SE
		EE,CZ,HR,IT,LT,LU,PL,RO,SK*****,UK (10)
Not relevant	CY, DK, ES, IE, GR, LV, MT, PT, SI (9)	

*AT: (Austrian) employers are accountable for violations of working time regulations and unless enforcement regulations provide otherwise, only for perpetrations in Austria.

** BE: Belgian law applies to Belgian employers and employers operating in Belgium.
Various Belgian collective agreements exist of which the applicability is determined by different criteria.

*** BG: The flag of the vessel is the criterion and operators are required to fly the national flag.

**** FI: Applies to Finnish vessels in Finnish waters, where Finnish operators must fly the national flag.

***** SK: Applicability only to the territory of the Slovak Republic and the operators established in Slovakia

Conditions of service

Working time

Working times

Country	National regulations		Source	Collective agreements	
	Hours	Ref period		Hours	Ref period (source)
AT	48	17/26/52 weeks	AZG §9		TMV does not regulate this aspect
BE	40/45	3/12 months	Labour code §9+26bis	38/40.5	1 year (cao 26/11 and 31/12/2012)
BG	40/---	8 months	Decree 226/2003	55	3 months
CZ	48	26/52 weeks	Act 262/2006 §93		---
DE	48	24 weeks	AZG §2+11, § 7	38/40	24 weeks (§29)
EE	48/52	4 months	Labour code, T§ 46		---
FI	50	2 weeks	Act 248/1982 T§ 1,8,9		
FR			(to be completed)	46	12 weeks (Tconv.coll.T T3293 T§3T)
HR			(to be completed)		---
HU	42	1 year	Labour code	48	1 month
IT	48	4/6/12 months	Decree 66/2003 §4		---
LT	48	4 months	Labour code Art.149		---
LU			(to be completed)		---
NL	48	13/52 weeks	Atb vervoer §5.5:6	48	52 weeks (cao §12.2)
PL	48	4 months	Labour code Art.131		---
RO	48	4 months	Labour code Art.114		---
SE	48	12 months	Act 1998:958, § 3		
SK	48	4 months	Act 462/2007 § 3.2		---
UK	48	17/26/52 weeks	S.I. 2003/3049		---



Conditions of service

Manning levels

- Highly harmonized regulations in place internationally/regionally
- Slight difference among the regions but no substantial one
- Different manning levels according to the vessel size



Safety, health & well-being

Occupational safety, accidents and health

- Regulated by a set of sufficiently harmonized regimes
- CEVNI supplies core uniform rules on technical & safety requirements
- Framework Directive (Directive 89/391 EEC), Directive 2008/68/EC (dangerous goods), Directive 2000/34/EC (health & safety risks), etc.
- Need to unify the way for analysis and reporting on accidents



Safety, health & well-being

Medical care, accommodation and food

- No elaborate provision on medical care or first-aid kit on vessel in UNECE Resolution .61
- Food, accommodation, heating, cooking, etc. regulated in Chapters 12, 13, 14
- Similar rules & regulations applied among the River Commissions, but still left to the national authorities for implementation

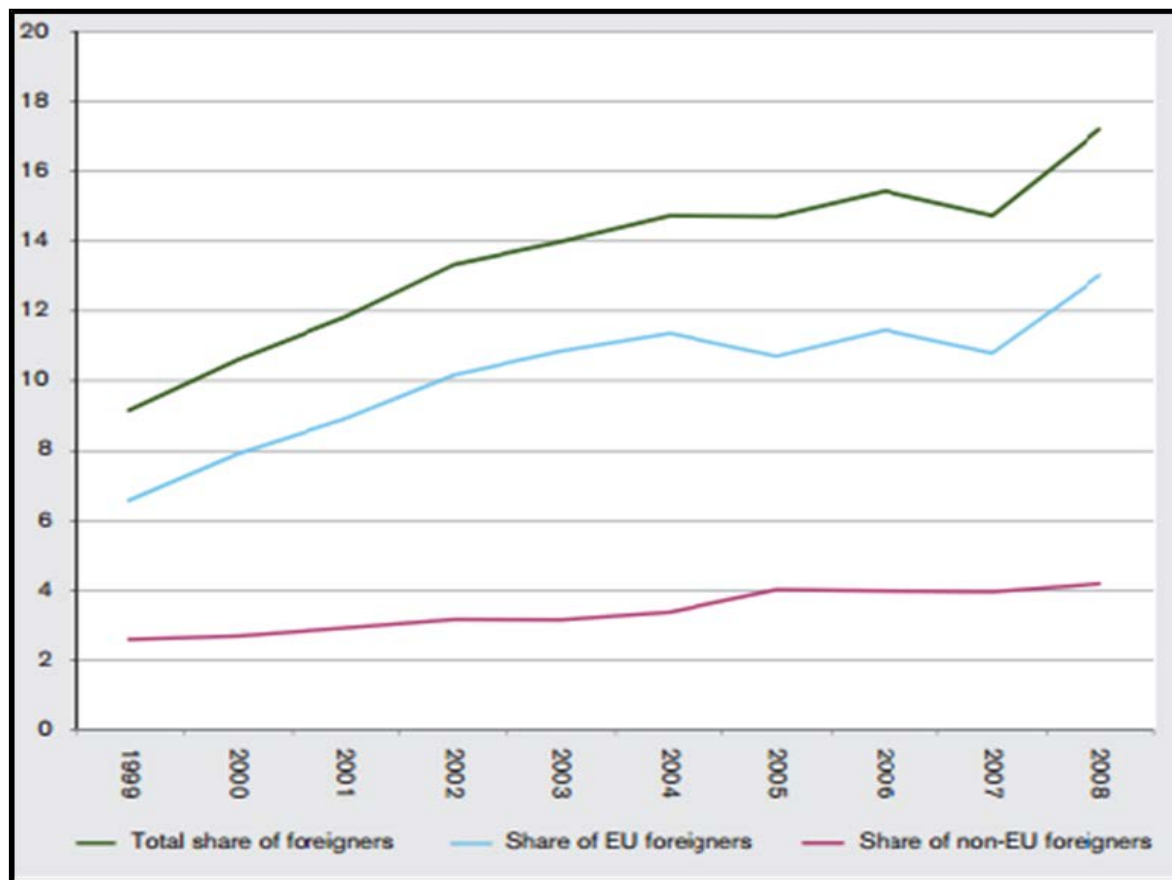


Social security

- Uncertainties and fragmentation in regional/int'l level
Mainly under the auspices of domestic legislations
- Regional/int'l approach (Agreement concerning the social security of Rhine Boatmen, 1949 (ILO Conf.), European Agreement concerning the Social Security of Boatmen (1993), EU Regulation 1408/71 and following EU Regulation 883/2004)
- But, criticism on their impracticability by their insufficient consideration on the cross-border, trans-national character
- Impact of the increase in self-employed and owner-operators / influence of increasing use of manning agencies

Social security

Proportion (values in %) of foreigners among workers covered by social security in the German inland navigation



Source ; CCNR



Enforcement

- Enforcement in an irregular manner with checks and inspection depending on national practices and arbitration
- River police by the River Commissions, but lacks unified inspection manual and procedure
- Inspection mainly focused on the safety & technical requirements
- Insufficient harmonization due to non-binding legislations and wide discretion afforded to national authorities



Registration of vessels

- Importance of registration for working and living conditions
- Effect of open registries on the regulation of conditions

Considered to be good way to circumvent obligations on workers
Complicating variety of employment regulations even further

- Impacts on fair competition for vessel owners and operators
- Cases of Malta and Cyprus

Conclusions

- Overall, fragmented regulation with some remarkable harmonization improvements, but still quite large amount of disparities
- Many elements with complicated consequences on working conditions;

economic crisis, worker mobility increase trend, increase in vessel size, open registries, manning agencies, enforcement in irregular manner
- Decent work for all inland navigation personnel and Future work of the ILO



Further information

Maritime and Transport Unit
Sectoral Activities Department

International Labour Organization
4, route des Morillons
CH-1211 Geneva 22
Switzerland

Tel: +41 22 799 6888
yoona@ilo.org

www.ilo.org/global/industries-and-sectors

