Maritime Union of New Zealand Submission to the Ministerial Inquiry into use and operation of Foreign Charter Vessels

7 October 2011

Figure 1: A Korean fishing crew member uses a plastic bag over his head as “safety gear” while working on a vessel at the Port of Bluff, February 2010. Photo taken by a MUNZ member.

Joe Fleetwood, General Secretary,
Maritime Union of New Zealand
PO Box 27004
Wellington
New Zealand

Email joe.fleetwood@munz.org.nz
# Index

Index ........................................................................................................................................2
Introduction .................................................................................................................................3
Terms of Reference ....................................................................................................................4
Ensuring acceptable and equitable New Zealand labour standards ........................................5
Documented incidents of overseas crew exploitation and abuse ..............................................7
  Case Study: Melilla 201 and Melilla 203 .............................................................................10
Maximising the economic return to New Zealand from our fisheries resources ......................11
  Jobs for New Zealand workers in the New Zealand fishing industry ..................................11
Protecting New Zealand's International Reputation and Trade Interests .................................13
  US State Department Office to Monitor and Combat Trafficking in Persons ....................13
Recommendations to the inquiry ...............................................................................................15
Conclusion ...............................................................................................................................17
References ..................................................................................................................................18
  Selected Maritime Union statements on maritime and fishing issues, 2005–2011 ..................19
  Ongoing negative international media coverage (examples) ..............................................21
  VietNamNet - Thousands of expatriate sailors face risks and difficulties ....................22
Introduction

This submission is made on behalf of the Maritime Union of New Zealand.

The Maritime Union welcome the opportunity to make this submission to the Ministerial Inquiry into the use and operation of foreign charter vessels (FCVs) in New Zealand waters.

The Maritime Union of New Zealand represents approximately 3000 workers in the New Zealand maritime industry, including waterfront workers, seafarers and related workers.

The Maritime Union does not represent fishing crew members, although members of the Maritime Union on the waterfront work alongside fishing crews.

As an affiliate of the International Transport Workers Federation (ITF), the Maritime Union has taken an active interest in fishing industry issues since its formation in 2003, and previous to this as the New Zealand Waterfront Workers Union and the New Zealand Seafarers Union.

The Maritime Union works closely with the ITF to assist foreign crew in New Zealand waters.

This work has included assistance with the recovery of wages, representation, advocacy, ensuring the wellbeing of crew, health and safety issues, abuse and exploitation issues, and help with repatriation.

The ITF has been campaigning against “flags of convenience” and “pirate fishing” for many years and has worked extensively to improve practices and conditions in the global maritime and fishing industries.
Terms of Reference

The Terms of Reference state that its "principal objective of the Inquiry is to ensure that the operation of foreign owned and flagged vessels chartered by New Zealand fishing companies supports the following government objectives:

- Protect New Zealand’s international reputation and trade access.
- Maximise the economic return to New Zealand from our fisheries resources.
- Ensure acceptable and equitable New Zealand labour standards (including safe working environments) are applied on all fishing vessels operating in New Zealand’s fisheries waters within the exclusive economic zone.

"If it is demonstrated that these objectives are being undermined then the Inquiry is also tasked with making recommendations relating to policy and legislative amendments and improvements to operational practices."

The Maritime Union of New Zealand believes that all three objectives above have been undermined in obvious and clear ways.

Our submission is that the operation of Foreign Charter Vessels (‘FCVs’) harms New Zealand’s international reputation, does not maximise economic return from our fisheries resources, and fails to provide acceptable and equitable labour standards.

Therefore the Inquiry needs to make recommendations that address policy, legislative and economic development issues.

In addition we note the third objective of the inquiry is the most important, as it can involve the physical safety and ultimately life and death of human beings, as opposed to financial considerations.
Ensuring acceptable and equitable New Zealand labour standards

Over the last decade, the Maritime Union has worked to highlight problems experienced by overseas crews in the New Zealand fishing industry.

We have raised these issues in New Zealand at the public, Government and industry level, as well as providing practical assistance and representation for overseas crew.

The documented problems experienced by overseas crews include:

- Health and safety problems
- Underpayment and delayed payment of wages
- Poor and unsanitary onboard conditions and bad food
- Breaches of employment agreements
- Repatriation to home country issues
- Industrial accidents
- Loss of crew overboard and sinkings of vessels
- Intimidation, abuse and violence aboard vessels
- Injuries and deaths resulting from the above issues

Most of the crew members we deal with are from less developed nations where there are problems with labour rights, human rights, the rule of law and corrupt practices.
Many of the crew members we have dealt with are from FCV engaged in the fishing industry.

The Maritime Union has successfully negotiated positive outcomes for many foreign crew members including substantial back payment of wages and repatriation to home country, and we believe our ongoing advocacy has created a higher profile for the issues surrounding overseas crews.

The Maritime Union carries out this work as a part of our affiliation with the ITF and because we are bound as a progressive and militant trade union to assist these fellow workers where we can.

There is no financial benefit for the Union and the cost in time and expense is a considerable one for a small union.

One other bona fide union active in the fishing sector is the Service and Food Workers Union, who represent vessel and shore based processing workers.

Maritime Union officials in each port in New Zealand work with the national union and our New Zealand ITF inspector Grahame McLaren, who is based in the national office of the Maritime Union in Wellington.

Key areas where the Maritime Union and ITF take action include ensuring health and safety standards aboard foreign vessels are adequate, and assisting crew with any problems they are experiencing on their vessel.

The Maritime Union has extensive documented evidence of the abuse and exploitation of international crews, often from poor or developing nations.

In 2006 a Mandatory Code of Practice by the New Zealand Government was introduced for foreign crew aboard joint venture vessels.

This included improved minimum working and living conditions, and other related employment protections.

The Maritime Union does not believe that the enforcement of such regulations and other New Zealand laws is sufficient to protect the rights of overseas fishing crew in New Zealand waters.

The Union is concerned there are no adequate safeguards to prevent illegal practices such as double book keeping and false documentation that are common features in the global fishing industry.
Documented incidents of overseas crew exploitation and abuse

As noted in extensive studies and reports by Government, labour and environmental organizations (see references) the abuse and exploitation of maritime crews, especially in the fishing sector, is a major global issue.

It is a common theme that if a vessel has problems in one area, those problems run through to other areas of its operation.

The following incidents are a selection of some recent examples of fishing crew harm, exploitation and abuse within and around New Zealand waters.

May–July 2011
In May 2011, Southern Storm Fishing held a “media event” in Dunedin where journalists were invited on board to inspect their new vessel, the Oyang 75, that replaces the Oyang 70 that sank last year. But less than two months later, in July 2011, the crew abandoned the Oyang 75 en masse in Lyttelton, claiming physical and verbal abuse and underpayment.

July 2011
Overseas crew members left the Shinji in Auckland due to underpayment and mistreatment. DOL investigating.
In 2009 the ITF and Maritime Union previously investigated the Shin Ji after 12 Indonesian crew members left the vessel.

Figure 4: Some of the 9 Indonesian crew members who jumped ship from the fishing vessel Marinui in Dunedin, March 2006, stating they were treated not as seamen but as slaves. The ITF and Maritime Union organized back pay and repatriation for these crew members.

December 2010
Five Korean crew are confirmed dead and 17 missing presumed drowned after the No. 1 In Sung sank in the Southern Ocean in unexplained circumstances.

August 2010

June 2009
12 Indonesian fishermen from joint venture fishing vessel Shin Ji leave vessel in Tauranga, citing non payment of wages, harassment and substandard conditions. NZ$52,776 back pay obtained for crew and repatriation to country of origin.

June 2006
Burmese crew aboard Sky 75 in Timaru approach union for help. Wages were unpaid, physical and verbal abuse. 10 Indonesian crew previously jumped ship in Nelson in 2005 with similar claims.

May 2006
Joint venture fishing vessel Malakhov Kurgan involved in crew dispute in Lyttelton.
Crew wished to be paid New Zealand minimum wage when working in New Zealand waters. Threats from Ukraine based employers received by crew.

**March 2006**

9 Indonesian fishermen from Korean fishing vessel Marinui jump ship in Dunedin, claiming severe physical and mental abuse. Crew were being paid US$6 per day. Repatriation and backpay organized.

**January 2004**

33-year old Vietnamese fishermen Vo Minh Que drowned near Stewart Island after falling from the trawler Tasnui. Maritime New Zealand reported that poor condition of vessel and lack of safety gear or procedures contributed to his death.

Figure 5: Ship jumping crew members have been a major issue, often due to poor conditions aboard FCV’s. The Maritime Union spoke out about the practice of offering “bounties”. The Oyang 70 which this crew member left later sank with the loss of six lives.
Death in the Southern Ocean

by Victor Billot

It would be a cold and lonely death for the young fisherman after he went overboard into the stormy Southern Ocean.

An official report from the Maritime Safety Authority covers the facts in an efficient way, but they cannot tell us what were the last thoughts of the young man as he was battered by the freezing ocean thousands of kilometres from his home.

MSA Report Number 101851
Ship name: Melilla 201
Date: 19 November 2004
Location: 110 nautical miles south of Stewart Island

An Indonesian crew member from the vessel was lost overboard. Conditions at the time were poor with waves 5 to 6 metres in height and a water temperature of 8.6 degrees Celsius. A search was mounted but called off at 2200 hours.

The Melilla 201 and the Melilla 203 are two fishing boats working in New Zealand waters that share more than just a name.

The latest incidents in New Zealand waters that featured these boats led to the media spotlight going on some dark places – and uncovering a pattern of death, injury and pollution.

A call for help in Bluff

Just over three weeks after the death of the crew member on Melilla 201 in November 2004, six Indonesian fishermen left the Melilla 203 after it docked in Bluff on Friday 4 February 2005.

They went to the Bluff police station and claimed they had been mistreated.

The Korean captain and a ship’s agent came to the station after them.

The Indonesian crew had language problems, and the Indonesian Embassy was called to provide assistance.

Because the Maritime Union did not find out about the event at the time, it was unable to provide assistance through the International Transport Workers’ Federation (ITF) who can give backup to workers.

No charges were pressed and the crew were flown home.

The Melilla 203 is operated in a joint venture with Tauranga-based company Trans Pacific Fishing Limited with a Korean flag.

Trans Pacific Fishing spokesman Geoff Morgan told the Southland Times that no formal complaint had been laid with police, the crew had wanted to go home, and declined to comment further.

Southland Times reporter Chalpat Sonti carried out further investigations that pieced together a disturbing history.

Incidents involving Melilla 203 and Melilla 201

19 November 2004
A 24-year-old Indonesian fisherman is presumed drowned after he fell from the Melilla 201 about 170km south of Stewart Island.

April 2004
The 58-year-old chief engineer of Melilla 203 was airlifted to Dunedin Hospital with severe ammonia burns after gauges on the boat exploded about 450km south of Bluff.

No investigation was carried out by New Zealand authorities because the incident happened outside New Zealand territorial waters.

July 2002
Sanford fined $9000 after a diesel spill off Nelson during refuelling. The Environment Court Judge said Sanford should consider whether they used the vessel again.

February 2002
A 24-year-old Indonesian fisherman drowned south of the Snares Islands after he was knocked overboard from one of the boats.

August 2001
A 33-year-old Chinese fisherman disappeared from Melilla 201 when it was fishing off Westport. His death was ruled by the coroner to be self-inflicted.

How do they get away with it?

If regular death and disfigurement on the job was occurring within a corporate head office, or in Parliament Buildings, there would be a national outcry.

But it appears that for the overseas crews used as cheap, expendable labour in the fishing industry, it is a case of out of sight and out of mind.

It is the brutal and shocking underbelly of globalization.

While Government’s and companies talk about the need to import Third World workers to fill “labour shortages”, they appear happy to ignore the reality of life for workers outside the industry seminars and public relations spin.

The New Zealand fishing industry is exploiting cheap overseas labour, according to New Zealand Fishing Industry Guild Louis Hart.

While New Zealand fishermen are laid off, wages and conditions in the industry continue in a race to the bottom.

Report on conditions withheld

Mr Hart says his request to see a Government report on conditions aboard overseas crewed vessels has been turned down.

The report was put together last year by a labour inspector from the New Zealand Employment Relations Service and went to the Minister of Labour and the Minister of Immigration.

Mr Hart received a letter from Minister of Immigration Paul Swain saying that the report was being withheld until the parties involved had a chance to respond.

However, it appears the Fishing Industry Guild is not one of those parties, even though they are the Union representing fishermen.

A meeting is scheduled between the Guild and Minister of Immigration Paul Swain.

Several thousand overseas fishermen work in New Zealand waters – and what goes on aboard some of their travelers and boats seems to exist in a limbo, where New Zealand authorities turn a blind eye to practices that would provoke outrage if they occurred elsewhere in New Zealand.

The use of overseas labour on fishing fleets in New Zealand waters shows the direction in which we will continue to move under free trade agreements and the international transfer of workers as just another “economic commodity.”
Maximising the economic return to New Zealand from our fisheries resources

Since 1986 New Zealand fishing has operated under the Quota Management System.

Joint ventures involve New Zealand quota holders working with overseas operators and engaging foreign vessels and crews to catch their quota.

There are a number of controversial political and social questions around this practice.

One issue is that overseas crew are used as cheap labour in the industry with all the negative implications this suggests.

While overseas crew work in and nearby New Zealand waters, and come into New Zealand ports to offload catch and take onboard supplies, they are outside effective regulation and protection of New Zealand law and New Zealand authorities.

Other concerns include the environmental standards of overseas operators, the displacement of New Zealand workers, a race to the bottom on wages and conditions, and the health and safety standards aboard overseas vessels.

The Maritime Union believes this is a result of the “out of mind, out of sight” attitude from industry, Government and regulators.

As overseas crew are not New Zealand citizens, and are not in a position to advocate for their own interests, their rights are overlooked.

Jobs for New Zealand workers in the New Zealand fishing industry

The initial goals of a "New Zealandized” fishing industry have not materialized.

Instead we have seen a race to the bottom approach with the use of overseas crew and overseas processing of New Zealand resources.

These resources should be providing sustenance and employment for New Zealanders.

The decline in New Zealanders working on fishing vessels and in onshore processing plants is a serious problem that must be addressed immediately.

The loss of employment opportunities to New Zealand workers has had a bad effect on many local communities, especially at a time of high unemployment.
The loss of jobs has been especially hard on young people and Maori who have had a strong traditional involvement in this industry.

The fact that in some cases the joint venture operators employing overseas crew are iwi affiliated corporates utilizing Treaty settlement quota is especially concerning given the above situation.

Figure 6: New Zealand fish processing workers, Dunedin, 2003 – contributing to the economy
Protecting New Zealand’s International Reputation and Trade Interests

The situation of foreign crews has now gained international attention due to the ongoing and serious nature of incidents.

This situation has already damaged the reputation of New Zealand as a developed nation operating with the generally accepted standards of the international community.

This harms New Zealand's reputation in the world community as a nation where high standards of human rights are the norm, where there is freedom from corruption, and where the rule of law is observed.

Negative media reports have been published in the home countries of many overseas crews who have experienced problems or harm. *(See attached appendix for 2 examples).*

Many of these nations also have strong trading and cultural links to New Zealand (they include Indonesia, Myanmar, India and Vietnam).

US State Department Office to Monitor and Combat Trafficking in Persons

In July 2011 the Maritime Union of New Zealand met with the Ambassador at Large Luis CdeBaca of the United States of America, who was in New Zealand in his capacity as head of the Office to Monitor and Combat Trafficking in Persons, to discuss our mutual concerns with the exploitation of vulnerable workers and “human trafficking”.

The Maritime Union notes the reference to New Zealand fishing industry in the 2011 Trafficking in Persons report by the Office to Monitor and Combat Trafficking in Persons.

“Some foreign workers report being charged excessive and escalating recruitment fees, experiencing unjustified salary deductions, restrictions on their movement, confiscation of passports, and altered contracts or working conditions without their permission – all indicators of human trafficking. According to a press report and the United Nations Inter-Agency Project on human trafficking, there were concerns that some fishermen from Indonesia, Vietnam, and elsewhere in Southeast Asia are allegedly victims of forced labor in New Zealand waters; these men may have experienced conditions including passport confiscation, significant debts, physical violence and abuse, and are often forced to work a seven-day work week. No independent research has been conducted to determine the full extent of the trafficking problem in New Zealand.”
The Maritime Union believes that this is an accurate summary of the issues with regard to overseas crew, especially but not exclusively in the fishing sector.

This is based on the extensive work and assistance our Union has provided to foreign crew experiencing problems.

The Maritime Union endorses and welcomes the recommendations for New Zealand contained in the 2011 report, with specific reference to the recommendations for New Zealand to:

- make efforts to study sex and labor trafficking occurring in New Zealand and significantly increase efforts to investigate and prosecute both sex and labor trafficking offenders;
- make efforts to proactively screen vulnerable populations, including women in prostitution, foreign workers, and illegal migrants,
- make proactive efforts to identify victims of labor trafficking, particularly among populations of vulnerable foreign laborers;
- investigate and prosecute employment recruiting agencies or employers who subject foreign workers to involuntary servitude or debt bondage.

Figure 7: Maritime Union of New Zealand General Secretary Joe Fleetwood met with US State Department Ambassador at Large Luis CdeBaca, Wellington, July 2011, discussing labour issues in the New Zealand fishing and maritime industry
Recommendations to the inquiry

• Commit to a phase out of FCVs.

• Require all vessels catching fish in our economic zone to be New Zealand flagged ships.

• Require minimum two observers on all FCVs at all times when in operation.

• An investigation into the operation and relationships of industry groups, employers and industry unions/guilds to ensure they operate at arms length and in an independent way.

• Revise the Code of Practice on Foreign Fishing Crew in the following areas: add further parties; remove the 90 day limitation; increase the $2.00 an hour above the minimum wage to $5.00 an hour; require contracts between NZ companies under the Code and employers, and also employment agreements to be provided to the Labour Department; allow crew to take action against New Zealand parties as a first rather than last resort; extend the visas of such claimants to enable them to remain in New Zealand until their case is settled; provide support for crew taking such cases; allow cases to be broader than just wages; and make the Code enforceable in law. This Review should also consider the option of broadening the Code to New Zealand’s full minimum code with enforceability under New Zealand labour law.

• Any employment of foreign crew must be strictly regulated and acceptable only as a top up to a New Zealand workforce on New Zealand terms and conditions, not a replacement. Any employers using foreign crew to be liable for any injuries, damages or breaches suffered by those crew members.

• Investigation and regulation of manning agents in country of labour origin and identification of manning agents involved in corrupt, illegal or unethical practices to prevent their operation.

• Require a proportion of FCV crew to be NZ citizens, this proportion to rise over time.

• Ensure quota holders have to hold responsibility for how their quote is fished and any issues coming out of that.

• Ensure New Zealand respects international obligations particularly in relation to Forced Labour and Human Trafficking and should ratify the Work in Fishing ILO Convention No.188.
• That the Government actively seek technical advice and training support from the ILO and IMO, to enhance NZ’s Labour Inspection capacity and policies for inspection of fishing vessels, and to ensure NZ laws and practices are consistent with ILO conventions 29, 81, 97, 105, and 188.

• Any fish caught in the New Zealand Exclusive Economic Zone must be subject to value-added processing in New Zealand other than legitimate full processing ships based on no more than the number operating in 2007.

• Specify which species should be subject to value-added processing in New Zealand, and develop research and development proposals to lift the value of species currently attracting low returns.

• Investigate whether licensing of FCVs, should be made on the condition that the vessels are fully demise chartered to the NZ operator to ensure clear responsibilities.

• An industry development plan involving Government, employers and unions to ensure the creation of skilled, secure employment for New Zealand workers in their own fishing industry, focusing on a career path and training for young people.

• Promote the processing and value adding of New Zealand fisheries in New Zealand and tightening on any free trade deals that undermine our ability to do this.
Conclusion

The Maritime Union wants to ensure high standards in the global maritime industry both at sea and on the waterfront, for merchant vessels and fishing vessels.

The answer in our view lies with co-ordinated international action to maintain a baseline around wages and conditions, and to regulate the use of labour from deprived communities and developing nations to ensure exploitation does not occur.

At the New Zealand level, the Maritime Union intends to continue to provide assistance to distressed crew, as well as advocating for stronger regulations and enforcement to protect the human and labour rights of overseas crew working within and around New Zealand waters.

In addition we seek mandatory levels of employment for New Zealand workers in the industry, to phase out the reliance on overseas crews which should only be working in the industry as a top up, not a cheap labour source.

Any inquiry into the fishing industry must have a broad scope and a systematic approach to dealing with the issues of the industry.

It must hear from a wide range of parties and provide clear recommendations to be acted upon by the Government.

Figure 8: The Oyang 70 fishing vessel sank in the Southern Ocean in August 2010 with the loss of six lives in dubious circumstances. Survivors were brought to Lyttelton where claims of underpayment by surviving Asian crew investigated.
References

Not in New Zealand’s waters, surely? Labour and human rights abuses aboard foreign fishing vessels
Christina Stringer, Glenn Simmons and Daren Coulston
New Zealand Asia Institute Working Paper Series, University of Auckland (2011)

Modern Day Slavery: Employment Conditions for Foreign Fishing Crews in New Zealand Waters
By Jennifer Devlin

2011 Trafficking in Persons report by the Office to Monitor and Combat Trafficking in Persons
US State Department
(http://www.state.gov/g/tip/rls/tiprpt/2011/164233.htm).

The Changing Nature of High Seas Fishing: How flags of convenience provide cover for illegal, unreported and unregulated fishing
By Matthew Gianni and Walt Simpson
For Australian Government Department of Agriculture, Fisheries and Forestry, International Transport Workers’ Federation, and WWF International (October 2005)

Out of sight, out of mind: Seafarers, Fishers and Human Rights
International Transport Workers’ Federation (June 2006)

All at Sea: The abuse of human rights aboard illegal fishing vessels
Environmental Justice Foundation, London (2011)
Selected Maritime Union statements on maritime and fishing issues, 2005–2011

Too many workers losing lives in maritime disasters

Deaths of fishing crew members a maritime tragedy

Inquiry into fishing industry needed
http://www.munz.org.nz/2009/08/05/inquiry-into-fishing-industry-needed/

Maritime Union wants answers on Indonesian shipjumpers
http://www.munz.org.nz/2009/03/14/maritime-union-wants-answers-on-indonesian-shipjumpers/

Maritime Union joins calls to end joint venture fishing

A cashless Christmas for foreign fishing crews far from home
http://www.munz.org.nz/2006/12/22/a-cashless-christmas-for-foreign-fishing-crews-far-from-home/

Fishing bosses out of touch on wages and conditions

Plea for help from fishing vessel “named and shamed” in global abuse report

International report on crew abuse highlights abuse in New Zealand waters

Maritime Union supports hunger strike by Ukrainian crew

Unions get result for Indonesian crew
http://www.munz.org.nz/2006/03/16/unions-get-result-for-indonesian-crew/

Maritime Union says it’s time to connect the dots on Flag of Convenience fishing
A grim Christmas for foreign fishing crews
http://www.munz.org.nz/2005/12/14/a-grim-christmas-for-foreign-fishing-crews/

Time for lid to be lifted on fishing industry disgrace

Department fiddles while crew members jump ship

Pink Panther Plan won't solve ship jumping crews

Fishing industry report confirms worst fears
http://www.munz.org.nz/2005/05/12/fishing-industry-report-confirms-worst-fears/

Time to expose conditions of overseas crews on New Zealand coast
Ongoing negative international media coverage (examples)

NZ Police Rescue Abused Indonesian Sailors in June | The Jakarta Globe (19 June 2011)

A second case of mistreatment of Indonesian seamen was brought to conclusion in June when New Zealand police returned 11 Indonesian sailors who allege that they were abused while working on the Korean fishing vessel SHIN JI, according to a report from the New Zealand Sailors Society, a nonprofit organization.

Police found the men sleeping on the streets in early June after they left the ship, protesting their poor treatment. They spent a night in the Auckland Central Police Station before police and union officials discovered they were Indonesian citizens and members of the Maritime Union of New Zealand.

While meeting with immigration officials, fishing company representatives and International Transport Workers’ Federation (ITF) inspector Grahame McLaren, the men said they were mistreated and bullied by the ship’s Korean officers, who had not paid them in four months and limited them to salt water showers once per week with no hot water.

McLaren visited the vessel to investigate their complaints and though the ship was well provisioned, he noted its poorly maintained condition and fishing gear that blocked access to lifeboats. When the Indonesian sailors refused to return to the vessel, McLaren negotiated with Tu’re Fishing Ltd., the company chartering the Korean vessel, who agreed to pay the crewmen just over $50,000 in back wages and arrange their return to Indonesia. The men flew from Auckland to Jakarta a few days later, where they were met by a representative from the ITF to ensure their safe return.

VietNamNet - Thousands of expatriate sailors face risks and difficulties (coverage following the No 1 Insung disaster in 2010)

VietNamNet Bridge – The local public is paying special attention to the sunken Korean fishing vessel in the Antarctic, which had 11 Vietnamese sailors. At present, thousands of Vietnamese sailors are working on foreign ships and facing lots of difficulties and risks.

Before the recent tragedy, there were other expatriate Vietnamese sailors who died in shipwrecks.

On November 29 2007, a Taiwanese fishing ship departed from a Thai port with 20 sailors, including five Vietnamese. The sea was sunken near Malacca. Luckily, five Vietnamese sailors were rescued and returned home safely.

On November 9 2008, another Taiwanese fishing boat was sunken in the southern sea of Gaoxiong City. Of the 28 dead sailors, eight were Vietnamese.

On June 2 2010, a South Korean fishing vessel was hit by a big ship and sank in the Korean sea. One Vietnamese sailor died and two other were missing. All of them came from the central province of Ha Tinh.
According to manpower exporting companies, of the 40 jobs in the world for which Vietnam supplies labor forces, working as a sailor is the hardest and the riskiest job.

South Korea is the main market for Vietnamese sailors. By June 2010 more than 1000 Vietnamese sailors were working for Korean fishing ships. Taiwan is another big market for Vietnamese sailors.

Before 2003, Taiwan employed up to nearly 10,000 Vietnamese sailors. At present, nearly 1000 Vietnamese sailors are working on Taiwanese vessels.

Though this job is very hard, expatriate sailors earn lower income in comparison with other jobs, $180/month for young sailors and $210/month for experienced sailors. The income of sailors is 4-5 times lower than that for factory workers. Sailors are also in the group of workers who face high risks of maltreatment and enslavement.

**Assistance for families of sailors in distress**

Republic of Korea and New Zealand rescue ships will bring Vietnamese survivors, said the Department for Managing Guest Workers.

The Vietnamese diplomatic mission in New Zealand will join the businesses that hired these sailors in receiving the seven surviving sailors and addressing related issues, the department said.

The department reported that the Vietnamese labor export companies involved had already purchased risk insurance for the sailors on the sunken In Sung 1 Ship, which would nominate a compensation of US$13,000 each person.

A representative of the department added that the labor export businesses involved had officially informed the victims’ families of the incident and are seeking to assist the families of the killed and missing sailors.

There is at least one sailor dead and three missing in the Antarctic, all from Ky Anh district in the central province of Ha Tinh. The body of the Vietnamese sailor who died in the accident, Nguyen Tuong, has been taken to New Zealand.

Meanwhile, the seven rescued Vietnamese sailors are receiving special medical care on the two rescue ships and they remain in stable condition.

The Department for Managing Guest Workers also said the Korean and New Zealand rescue teams have announced they had ceased searching for the other 17 missing sailors, including 3 Vietnamese, because there is no signal of their survival.

By Grahame McLaren
ITF New Zealand Inspector

On Tuesday 26 June 2009 while conducting ITF training in Tauranga I received a call from the Auckland waterfront police station.

The previous evening, 12 Indonesian fishermen from the New Zealand/Korean joint venture fishing vessel “Shin Ji” had handed themselves in and had spent the night at the police station. The reasons they gave for leaving the vessel were non-payment of wages, problems with harassment from the Korean officers and bosun, and substandard living and working conditions.

After discussing the situation with MUNZ officials, I left Tauranga for Auckland. The crew had been taken to Auckland Seafarers Centre from the police station. I found the fishermen being looked after by Terry Nobbs of the centre who had provided the hungry men with snacks and drinks.

MUNZ Auckland seafarers’ executive member Greg Carncross were also in attendance reassuring the crew that we would do all we could for them.

Peter and Greg had also gathered a lot of useful information regarding the New Zealand and Korean owners/charterers and agents, and provided me with a list of contact details for all involved.

I spoke with the fishermen, and it transpired that the men had not been paid since their arrival in New Zealand waters on 21 April. This was confirmed by a telephone call to the Indonesian manning agents. The men all agreed when asked on cell phone by an interpreter provided by the Indonesian embassy that they would not under any circumstances be willing to return to the vessel.

They stated that they just wanted the wages they were owed and to be repatriated to Indonesia.

Peter and I told the charterers that the men must be paid all monies owing in cash in US dollars and then be repatriated to Indonesia as soon as possible. Needless to say the employers were not happy at the prospect of this.

We contacted the immigration department and they sent a representative along with the Korean Consul to investigate the situation.

The Immigration representative told the charterers in that the men were their responsibility and that if any of them were to abscond they would vigorously pursue the company for the recovery of every cent spent trying to track down anyone who disappeared.

They also advised that they would be cancelling the men’s fishing visas.

We told the charterers that the men must be put up in a hotel/motel until payment and repatriation could take place.

After some negotiation, it was agreed that the crew would get a meal and then go to motel accommodation by taxi.

The next day, Peter and I went to the motel to check on the men and to continue negotiations with the charterers.

After communication with the owners in Korea and the manning agents in Indonesia, it was eventually agreed they would pay the crew and fly them home.

The next stumbling blocks were the facts that the crew’s passports were locked in would not arrive in Auckland until Friday. As far as the company was concerned the crew would have to pay for their own airfares.

After they were told this was not going to happen, they finally agreed to pay for the airfares as well.

Later that evening I had a call from the charterers informing that one of the vessel’s Korean engineers who spoke some Indonesian had been talking to the fishermen.

They had supposedly told him that the main problem on board was the Captain and indicated to him that if the Captain were removed they may be willing to go back to the vessel.
I informed the charterer that this was all well and good but they would still need to be paid in full before this could happen, and of course we would need to speak to the crew to confirm this.

The next morning (Thursday) Peter and I carried out an inspection of the vessel Shin Ji. The vessel was in need of a good clean and there were large areas of rust on the deck in the galley, no bed linen, no hot water with the crew expected to shower in cold sea water.

We also pointed out that the life rafts were stowed all around them.

On the plus side we found the vessel to be well provisioned with full fridges and dry stores. All the problems were pointed out and the charterers agreed to rectify them for the new crew coming on board.

We informed them that we would be checking to make sure they did so.

We then headed out to the motel to talk to the men about the possibility of them going back on board.

We first spoke to them in a group and they said that they were still unwilling to return to the vessel.

At this point the charterer suggested they may be scared to talk candidly in front of each other, so Peter and I went into another unit where we called in each man individually and asked the question of him again.

It was unanimous, they wanted to go home.

During these interviews one of the men also told us that he had been punched twice in the back of the head by the Korean Bosun. It seemed this talk of going back if the Captain was removed was just a ploy by the charterers to try to get them back on board.

We informed the charterers of the men’s decision and told them something needed to be done today and threatened to bring in the police in regard to the assault by the Bosun.

We also threatened to get the media involved and expose the whole situation. This mention of media and police involvement seemed to spurt them into action and a couple of hours later they informed us that the passports had arrived, the flights were booked for 0650 hours the next morning and that they were in the process of getting the money together.

We called Trevor Hanson at MUNZ national office and told him the good news. Trevor told us that Joe Fleetwood would contact his friend Mr Hanafi from the Indonesian ITF affiliated union KPI. He would ask that someone met the fishermen on arrival in Jakarta to ensure no one was there to try and take any of the money back from them as this has been known to happen in the past.

At 0400 the next morning (Friday) at Auckland airport, Peter and I met with the crew, the NZ charterers and Mr Rosihan T Saragih from the Indonesian embassy who had flown up the previous evening. I had calculated the amount owed to each man and had printed out individual accounts which Peter and I split between us and then took half the men each and had them count out their money in front of us and then sign the accounts.

The total amount of the back pay was NZ$52,776.

The men were very happy to finally get their wages and be on their way home and were very grateful for our help.

We received word from KPI in Indonesia that the men arrived home safely and that the manning agent had also been there to meet them and reported that they avoided having to hand back any money.

I have also since telephoned one crew member who speaks a little English at his home in Central Java and he reports all is well.

At 0400 the next morning (Friday) at Auckland airport, Peter and I met with the crew, the NZ charterers and Mr Rosihan T Saragih from the Indonesian embassy who had flown up the previous evening. I had calculated the amount owed to each man and had printed out individual accounts which Peter and I split between us and then took half the men each and had them count out their money in front of us and then sign the accounts.

The total amount of the back pay was NZ$52,776.

The men were very happy to finally get their wages and be on their way home and were very grateful for our help.

We received word from KPI in Indonesia that the men arrived home safely and that the manning agent had also been there to meet them and reported that they avoided having to hand back any money.

I have also since telephoned one crew member who speaks a little English at his home in Central Java and he reports all is well.
Oyang 70 sinking

In the early morning darkness on 18 August 2010, the Oyang 70 was working in the freezing waters of the Southern Ocean, 800 kilometres south east of Dunedin. It was a large factory trawler, over 80 metres in length, crewed by Koreans, Indonesians, Filipinos and Chinese, and had worked in New Zealand waters and the surrounding ocean for many years.

A net of fish – described later by crew as overweight – was pulled onto the vessel. The bulk caused the ship to start listing to the alarm of the workers. But according to eyewitness reports, the Master insisted the net be pulled in. Why he made that decision is unknown, but whatever the reason, the end came quickly. Survivors later told rescuers the Oyang 70 lent over to one side, with the factory area and the engine room quickly taking on water. There were no alarms and no lighting.

Within 10 minutes the ship was under the water and many of the crew floundered in the freezing waters of the Southern Ocean before pulling themselves into life rafts. Several factors came into play which saved the lives of the crew who had made it off the vessel. Conditions were cold and foggy, but calm. There were a number of nearby fishing trawlers which responded to a last minute call for help.

One of those vessels, the Amalcal Atlantis, was a well equipped and New Zealand crewed trawler which rescued many of the survivors and would later sail them back to safety in Lyttelton.

Six crew lost their lives, and the bodies of three, including the Master, were not recovered and presumed to have gone down with the ship.

Disturbing information was revealed when survivors spoke to crew of the Amalcal Atlantis. Surviving crew claimed they had only received $300 a trip, for a month’s worth of work, and the only food on board was fish they caught.

At 38 years of age the Oyang 70 was one of the oldest fishing vessels in New Zealand waters. The sinking comes just a few months after two overseas crew members died from asphyxiation aboard the bulk carrier TPC Wellington in the Port of Whangarei in May 2010.

Maritime Union General Secretary Joe Fleetwood says the Union has encountered ongoing problems experienced by overseas crew on merchant and fishing vessels, including health and safety problems. Oyang 70 is owned by Sago Oyang Corporation, a company incorporated in Korea, and is registered on the Korean Shipping Registry and flies the Korean flag.

Oyang 70 operated in New Zealand waters since the 1980s. It was convicted of spilling oil in Nelson harbour last year. It was chartered by Southern Storm (2007) Ltd who have offices in Christchurch.

Petition against piracy

An action group representing stakeholders from the entire shipping industry, from crews to owners, presented a petition signed by nearly a million (920,000) people to the International Maritime Organization and governments worldwide calling for real action to end Somali piracy.

The handover was made on UN-designated World Maritime Day in September.

At a time when 354 seafarers and 16 ships are being held hostage by pirates in Somalia, the campaign calls on governments to dedicate significant resources and work to find real solutions to the growing piracy problem, take immediate steps to secure the release and safe return of kidnapped seafarers to their families, and work within the international community to secure a stable and peaceful future for Somalia and its people.

Drunk captain

The cargo ship Tasman Pathfinder was forced to stay berthed in Wellington Harbour after its master was found too drunk to set sail.

The ship was enroute from Timaru to Tauranga in August. Maritime New Zealand cancelled the sailing after the ship’s master was found heavily intoxicated by the local pilot, who was to take the ship out of the harbour. The Korean master was subsequently stood down. Wellington harbourmaster Mike Pryce said the master was extremely drunk.

“I understand he was conscious but not well.”

Maritime New Zealand contacted the ship’s owner and it voluntarily tied the ship up in Wellington until a replacement master could be flown out from Japan. However, the ship’s owner contacted the authority the next day to see if the ship could sail to Tauranga if the existing master could demonstrate he was fit for duty.

“We agreed on that condition and again visited the vessel and established the master was fit for that duty. He then safely took the vessel to Tauranga,” said a Maritime New Zealand spokesperson.

A replacement master was then flown out to meet the ship. Maritime New Zealand was not involved in any sort of disciplinary action. That would be left to the ship’s owners.

The 177-metre cargo ship is owned by the marine transport company of Osaka Asahi Kaiun, of Japan.
The International Transport Workers’ Federation (ITF) and Maritime Union of New Zealand has welcomed the legal victory of a group of overseas crew members in a determination of the Employment Relations Authority.

49 Ukrainian crew members on the Aleksandr Ksenofonotov refused to leave the fishing vessel in Dunedin at the end of their employment agreement in November 2006, arguing that deductions made to their pay were not lawful.

A recent decision from the Employment Relations Authority backed the crew, determining that deductions for airfares, accommodation, meals, visa fees and medical insurance by their employer were not legal.

ITF New Zealand co-ordinator Kathy Whelan says the decision was a sign that the rights of overseas crews were being taken seriously.

“Under existing conditions the aid and support that seafarers find in the ITF is very important”

While nautical science and technology has many new achievements, sea trade remains very dangerous and heavy work in our day. Many seafarers work in very severe conditions and they feel intense pressure from their employer.

Often foreign seafarers do not know where to look for help and they do not speak the English language.

Under existing conditions the aid and support that seafarers find in the ITF is very important.

When my crew and I were in need of help we found it in the ITF.

The work of the ITF is truly significant.

Members of our crew and I thank all inspectors of the ITF and especially Kathy Whelan very much.

Ruslan Orlenko and Eduard Drozdov for crew of fishing vessel ‘Alexsandr Ksenofonotov’

Overseas crew decision shows New Zealand on right course, says ITF

by Kathy Whelan

“The ITF have been involved in assisting many crew members in similar situations, and we firmly believe that any worker in New Zealand is entitled to the full protection of New Zealand law.”

The International Transport Workers’ Federation (ITF) is an international trade union federation of transport workers’ unions, including the Maritime Union of New Zealand.

681 unions representing 4,500,000 transport workers in 148 countries are members of the ITF.

It is one of several Global Federation Unions allied with the International Trade Union Confederation (ITUC).

The ITF has identified the exploitation of fishing industry workers as a major international area of concern.
A group of Ukrainian crew onboard the fishing trawler “Malakhov Kurgan” in Lyttelton resolved their dispute with employers just before this issue of the Maritimes went to print.

The FV Malakhov Kurgan is owned by the Ukrainian state fishing company and was operating in a joint venture with the New Zealand company United Fisheries.

The crew contacted the ITF through the local Maritime Union branch with concerns about their lack of pay.

An initial group of crew members returned home. Of the remaining group, a further 19 crew members agreed in May 2006 to a deal mediated by the Department of Labour.

The remaining 8 crew members declined to accept this deal and remain on board the vessel, as they believe they are entitled to more compensation.

The Maritime Union supported their action with the view that all crews in New Zealand waters are entitled to at least the minimum wage for the time worked.

We have also informed the media about the issue which has resulted in national coverage of the crew’s plight. Other issues that have arisen include the pressure put on crew by their employers in the Ukraine, including written communications telling them they were bringing their country (and even President) into disrepute, and a threat they would have to pay their own fares home if they did not return by a certain time.

The crew were trying to draw attention to their demands – that they want to be paid the New Zealand minimum wage for their time working in New Zealand waters.

According to a Department of Labour leaflet that has been distributed to overseas crews, this is exactly what they are entitled to under New Zealand law.

The 8 remaining crew members went on strike onboard the vessel in Lyttelton Harbour after it was laid up.

Mechanical problems forced it to return to port where it has stayed ever since.

Yet other crew members have accepted payments that are “confidential” through a mediation process undertaken through the Department of Labour.

When the Maritime Union asked whether the DOL have a definite figure on how much this crew were being paid per hour, we were told the Department “is still investigating.”

The Maritime Union has also asked if the other crew members have been paid their legal entitlement to at least the New Zealand minimum wage for work done while in New Zealand waters – and how this amount was calculated.

The Maritime Union is concerned the Department of Labour has helped cut a deal where a group of crew members have been paid under the minimum wage.

The Maritime Union of New Zealand has been actively working with the ITF to ensure crews aboard foreign flagged vessels in New Zealand waters are protected from exploitation and abuse.

The conditions of crew aboard many overseas flagged and joint venture fishing vessels operating in New Zealand waters has been an ongoing concern.

The Maritime Union has provided assistance to distressed crews, in conjunction with the ITF.

Our Maritime Union officials act as ITF inspectors in New Zealand ports.

The Maritime Union has also called for action from the Government and deals with the relevant authorities on a regular basis.

We achieved an acceptable outcome for the crew in this case.

Our wider intention is to achieve the proper regulation of the industry to protect the rights of both local and overseas workers in New Zealand waters.

The Maritime Union has been active working with the ITF vessels in New Zealand waters are protected from exploitation and abuse.

The conditions of crew aboard many overseas flagged and joint venture fishing vessels operating in New Zealand waters has been an ongoing concern.

The Maritime Union has provided assistance to distressed crews, in conjunction with the ITF.

We achieved an acceptable outcome for the crew in this case.

Our wider intention is to achieve the proper regulation of the industry to protect the rights of both local and overseas workers in New Zealand waters.

As the Maritime Union fights for the rights of seafarers in New Zealand waters, a new report from the International Transport Workers’ Federation (ITF) to the United Nations paints a disturbing picture of abuses of human rights at sea.

The report names the case of the ‘Sky 75′ in New Zealand waters as one of “ruthless exploitation of fishing crews.”

The New Zealand ITF and Maritime Union took action when 10 Indonesian crew left the Korean registered fishing vessel ‘Sky 75′ in the Port of Nelson in September 2005.

International report on crew abuse highlights abuse in New Zealand waters
Crew members on the ‘Sky 75’ reported abuse, harsh working conditions and extremely poor conditions.

The ITF report “Out of Sight, Out of Mind” warns that as a result of recruiting scams, vessel abandonment and virtual forced labour, some seafarers and fishers are suffering horrific abuse.


The report exposes some of the terrible conditions inflicted on some seafarers and fishers, and highlights systemic failures in regulation and practice.

“The maritime and fishing industries continue to allow astonishing abuses of human rights of those working in the sector,” says the report.

Maritime Union General Secretary Trevor Hanson says the report totally vindicates the strong stance of the Union on the issue.

Since the Sky 75 there have been several other serious incidents since the ‘Sky 75’, including crews jumping ship from the ‘San Liberator’ and ‘Marinui’, and more recently a Ukrainian crew onboard the ‘Malakhov Kurgan’ in Lyttelton who had to go on strike to be paid the minimum wage.

“These are just the cases we have picked up on – I have no doubt these are the tip of the iceberg,” says Mr Hanson.

The ITF report follows a 2005 joint report from the Australian Government, the ITF, and the global conservation organization WWF, that revealed the pilfering of threatened fish stocks, human rights abuses and global pirate fishing operations were all linked problems.

The ITF report Out of Sight, Out of Mind can be downloaded at the webpage listing ITF publications:
http://www.itfglobal.org/infocentre/pubs.cfm

An article on the “Sky 75” case is in the December 2005 issue of the Maritimes magazine, which can be downloaded at:

The Australian Government/ITF/WWF report “The Changing Nature of High Seas Fishing: How Flags of Convenience provide cover for illegal, unreported and unregulated (IUU) fishing” can be downloaded at:
http://assets.panda.org/downloads/iiumr.pdf

The case of the Marinui

by Kathy Whelan

On 14 March 2006 the ITF Office in Wellington received information that 9 Indonesian fishermen from the Korean owned and registered fishing vessel Marinui had jumped ship in Dunedin claiming severe mental and physical abuse.

The Marinui, with a crew of five Korean officers and 20 Indonesian fishermen, was fishing south of New Zealand for squid with a New Zealand Joint Venture operator.

The allegations of the crew included incidents of long hours of work without a break, forced to stand naked on deck in very cold conditions, lack of medical treatment, and being hit.

They described the abuse in graphic detail on national television and the only one of the nine who could speak English made the statement “we are not treated as seamen, we are treated as slaves.”

The ITF, while conducting its own investigation, alerted the Department of Labour (DOL) who are responsible for the labour conditions imposed when granting working permits for foreign fishermen working in the New Zealand fishery. The DOL inspector undertook an investigation.

The Korean owners were anxious to remove the crew from New Zealand and the ITF were able to mobilize its network in New Zealand which included Maritime Unions, government agencies and the Indonesian Embassy.

Acting on behalf of the ITF, Les Wells and John Jeffery of the Lyttelton Branch of the Maritime Union acted as a buffer between the owners and the crew, interviewing the fishermen in Christchurch and hearing further accounts of the abuse.

They found that the Indonesian fishermen were on a contract of employment that provided a payment of US$6 per day total – with no percentage of the catch or other payments.

In Auckland Garry Parsloe from of the Maritime Union and Derek Craig of the AMEA finalized an agreement which provided full repatriation and transfers for the crew back pay of US$5000.

Under law the crew are entitled to the New Zealand minimum wages while working in New Zealand waters.

Any further payments due to the crew will be made into their bank accounts once the calculation has been done and the DOL have completed their investigation.

This case attracted wide media attention and allowed both the ITF and the Maritime Union to highlight our case for this industry to be regulated so that at point of engagement proper and fair agreements with minimum employment, health and safety standards are a prerequisite to any application for crews coming down into our fishery.

We have been lobbying Government on this for at least a decade.

A clear message has got to be sent to foreign owners and operators that we will not tolerate such levels of abuse and exploitation in our waters.

The Maritime Union and ITF participated in a CTU Migration Group recently which was addressed by the Minister of Immigration David Cunliffe.

Whilst reporting on some positive initiatives in respect to New Zealand immigration issues, he singled out the fishing industry as one that needed urgent attention and one he would focus on.

We welcome this and hope that it leads to some guidelines and processes that will create a fair industry giving those who work in proper social and industrial protections.
The Maritime New Zealand report on the drowning of Mr Vo noted how the poor condition of the vessel and the lack of safety gear or procedures contributed to the fatality.

Changes will improve the lives of workers
Maritime Union General Secretary Trevor Hanson says the new Government moves will lead to improvements in conditions for overseas crew, meaning less cases of abuse and shipjumping.

Local workers will once again be able to afford to seek work in the fishing industry, he says.

“The Maritime Union believes that this move is a positive one for the future of the New Zealand fishing industry and those who work in it.”

The Government announced a range of measures to improve conditions for foreign crew on foreign charter fishing vessels on 9 October 2006.

The new measures include a mandatory code of practice with improved minimum working and living conditions, a requirement that a New Zealand party acts as guarantor to ensure crew are paid what they are owed, and an expectation that crew employment disputes will be settled in New Zealand.

These measures all address central concerns of the Maritime Union.

“The review aims to stop unsustainable practices such as foreign crew being taken advantage of or underpaid, and to ensure jobs for New Zealand crews where available,” Immigration Minister David Cunliffe said.

From 1 January 2007, the pay for foreign crew will gradually increase – in three annual increments – to a rate more comparable with New Zealand fishing crews.

From 1 January 2007, this pay will be the minimum wage (currently $10.25 an hour) plus $1.25 an hour, and by 1 January 2009, this will have risen to the minimum wage plus $2 an hour.

Conditions have previously been extremely loose.

With a lack of active unions in the industry, the continued work of the Maritime Union to put the spotlight on the fishing industry seems to have had an effect.

It was only from April 2005 that it was required that crew be paid the minimum wage (with no deductions to take net pay below the minimum wage).

Overseas workers in New Zealand waters had previously been getting paid well under the minimum wage.

In November 2005, the situation was improved again, and it was required that foreign crew were paid for a minimum of 42 hours a week calculated over the course of the engagement.

Cabinet has asked the Department of Labour to monitor the implementation of the revised pay requirements and other agreements reached, and will report back to the Minister of Immigration by 28 February 2008.

A further, comprehensive review of minimum requirements and compliance will take place by 28 February 2010.

Resistance
Fishing bosses tried all out to attack any improvement in wages and conditions – despite the overwhelming evidence of an industry that played to its own rules and where the rights and safety of workers came last.

There were self-serving screeches that plans to improve wages and conditions were “social engineering” or even more bizarre, would undermine the Treaty of Waitangi.

However, the fisheries of New Zealand belong to all New Zealanders. They are not a resource that is the private property of capitalist corporations, and the rules in that industry should serve the interests of the people.

A New Zealand Government report put together by the Department of Labour in 2004 revealed the fears of the Maritime Union were well placed.
Interviews with overseas crew members by Government labour inspectors revealed a chilling picture of “sweatship” conditions in a globalized maritime free market.

Overseas crews were being underpaid, having their meagre wages further stripped back by “agents fees”, and were often beaten and threatened into a state of fear and silence.

The report was completed in December 2004 and was supplied in advance to employers, but Unions involved in the industry did not receive the report until May 2005 along with the media and public.

The Fishing Industry Guild is supposed to represent these workers.

This organization was specifically set up to stop militant unions like the old Seaman’s Union organize fishermen.

As you can read on their website, “the NZ Fishing Industry Guild is recognised by the major fishing companies as creating a protective buffer zone between the people engaged in the fishing industry and those other organisations and unions whose activities could be detrimental to the everyday running of a fishing vessel.”

Spoken like true unionists!

As long as the major fishing companies are happy, seems to be the main concern here.

Interestingly enough, the Fishing Industry Guild website is located on the bosses website – the New Zealand Seafood Industry Council.

This close relationship of the Fishing Industry Guild and the employers seems to provide little motivation to improve conditions for overseas fishermen.

Thus the Maritime Union got involved, not wanting to see the type of problems in the fishing industry spill over into the wider maritime industry.

“Sky 75” – a case of international shame

Burmese crew members aboard the fishing vessel “Sky 75” in the Port of Timaru approached the Maritime Union with a plea for help on 13 June 2006.

A letter from crew members asked for help with their conditions of employment.

Crew said they were owed two months wages and they have been working on average 20 hours a day, when their agreement specifies 8 hours per day, and no overtime money had been received.

The letter from the Burmese crew says that the Korean owners aboard the “Sky 75” had threatened them and ordered them to work by kicking them with their boots and hitting with sticks.

The cost of safety and working equipment was deducted from their salaries, and meals were insufficient and irregular.

The “Sky 75” is operated by the New Zealand company Poseidon, based in Hamilton.

The irony in this case was that the day before their vessel was “named and shamed” as a specific example of crew abuse in an international report from the International Transport Workers’ Federation (ITF) that was presented to the United Nations in New York.

The “Sky 75” was a repeat offender and already come to the attention of the ITF when 10 Indonesian crew left the vessel in the Port of Nelson in September 2005.

Despite massive publicity and promises that things were going to be fixed, less than a year later the same vessel had turned up in Timaru.

Exactly the same type of disgusting actions were recounted by the crew who had jumped in Nelson.

The crew each paid a “fee” of approximately NZ$1000 to get their job to a Jakarta manning agency, before joining the vessel.

During their time on the ship they were subjected to long hours, fed on rotten food, physically and verbally abused, and forced to wash on deck in sea water.

Accommodation was poor, with twelve crew to a cabin and no blankets, and a crew member who had his arm crushed by machinery was made to continue working without medical treatment.

The crew had no protective clothing or footwear, and many worked in jandals and bare feet in cold conditions.

Ms Whelan says no wages were paid to the crew by their employment agency in Jakarta, who had promised to send the money to their families.

Since the “Sky 75” incident in September 2005 there have been several other serious incidents since the “Sky 75”, including crews jumping ship from the “San Libera- ton” and “Marinui.”

A Ukrainian crew onboard the ‘Malakhov Kurgan’ in Lyttelton went on hunger strike in order to receive wages owed.

They received threatening faxes from their employers in the Ukraine.

The Maritime Union and the ITF have provided major assistance in many of these cases, representing workers and gaining back pay from employers.

This work is carried out through the concern for the rights of all workers in New Zealand waters.

While we celebrate the changes, we remain aware that they have been fought tooth and claw by employers who show the most ruthless disregard for basic human dignity in their race to squeeze the maximum profit out of workers.

And we should remember that this change has come at the cost of human life.

One young man will never benefit from them – Vo Minh Que, aged 33 years, missing presumed drowned 70 kilometers south of Stewart Island, 24 January 2004.

Further information


The Maritime New Zealand report on the drowning of Mr Vo Minh Que can be downloaded at: http://www.msa.govt.nz/publications/accidents/reports/Tainui-0443865.pdf

The ITF report Out of Sight. Out of Mind can be downloaded at the webpage listing ITF publications: http://www.itfglobal.org/infocentre/pubs.cfm


The website of the New Zealand Fishing Industry Guild can be inspected (via the employers website) at: http://www.seafoodco.co.nz/industry/ator/ nzfishingindustryguild/
ITF New Zealand co-ordinator Kathy Whelan says the vessel Ariake has come under the attention of the ITF. The ITF and the Maritime Union of New Zealand have expressed their strong concerns that the Ariake is trading extensively on our coast and trans Tasman without an ITF Agreement.

Ms Whelan says “The ITF and the Maritime Union want to ensure that all seafarers are covered by an international agreement to ensure not only their employment conditions are maintained at an acceptable internationally agreed level, and their health, welfare, social and human rights are also protected.”

This is particularly important to us when a vessel such as the Ariake spends so much of its time working in the New Zealand environment, she says. The ITF special agreement, negotiated by representatives of shipowners and the ITF, provides the solution.

Maritime Union Port Chalmers Branch Vice-President Ian Quarell met with the Master of the Ariake in Port Chalmers on 13 February to deliver a letter expressing the concern of the Maritime Union and ITF.

Pressure grows on the Ariake

ITF New Zealand co-ordinator Kathy Whelan says the vessel Ariake has come under the attention of the ITF. The ITF and the Maritime Union of New Zealand have expressed their strong concerns that the Ariake is trading extensively on our coast and trans Tasman without an ITF Agreement.

Ms Whelan says “The ITF and the Maritime Union want to ensure that all seafarers are covered by an international agreement to ensure not only their employment conditions are maintained at an acceptable internationally agreed level, and their health, welfare, social and human rights are also protected.”

This is particularly important to us when a vessel such as the Ariake spends so much of its time working in the New Zealand environment, she says. The ITF special agreement, negotiated by representatives of shipowners and the ITF, provides the solution.

Maritime Union Port Chalmers Branch Vice-President Ian Quarell met with the Master of the Ariake in Port Chalmers on 13 February to deliver a letter expressing the concern of the Maritime Union and ITF.

Exploitation on Koyu Maru

by Kathy Whelan
New Zealand ITF co-ordinator

As the Maritimes goes to print, the ITF NZ Inspectorate has received the following plea for help.

50 Filipino fishermen joined the three Taiwanese-owned fishing vessels Koyu Maru 1, 2 and 3. They have a 3 year contract, salaries of US$40 per month, from which costs for seaboots, gear and food are deducted.

There is no provision for payment for share of the catch. They had been out in the fishing ground for 11 months and had come into Suva for bunkers when they fled to the Seafarers Mission for help. The Mission contacted the New Zealand ITF Coordinator Kathy Whelan for assistance. Other than the issue of unpaid wages they complain of mistreatment and substandard food (being fed canned food passed its use by date).

Tracing the owner of the vessels is difficult and the manning agents who engaged them are not contactable. The vessel has recently changed ownership and the new owner is unknown. The uniqueness of the ITF is its strong international network. We are networking with the ITF Offices in Taiwan and the Philippines to track down the owner, and manning agents, and the Seafarers’ Mission in Fiji is assisting the men whilst we do this.

This is the fishing industry where anything goes and just when you think it can’t get any worse, it does. It is difficult to imagine how desperate these men are to accept employment for three years on a monthly salary of US$40, from which deductions for safety gear, food and toiletries were made, but to be abused and then ripped off is beyond comprehension.
An international black market in cheap labour is establishing itself on the edges of the New Zealand economy, threatening to smash wages and conditions.

Overseas workers are being brought into New Zealand on short-term contracts and the practice is on the increase.

The New Zealand fishing industry has recently been the site of the latest battle over the use of imported labour.

Bosses say it’s due to a shortage of skilled or available labour.

But the situation seems more about using worker against worker in the oldest game of all: divide and rule in the name of corporate profit.

A number of Nelson fishing companies have been applying to the Immigration Service for short term workers to be brought into the country to crew domestic and joint venture (New Zealand and overseas owned) fishing trawlers, and the practice is already spreading around the country.

The Nelson area has already seen large numbers of guest workers imported to work in the fruit industry – once again on a short-term, insecure basis.

The South Island organizer for the Fishing Industry Guild, Louis Hart, says the moves threaten both New Zealand jobs and the conditions workers in the fishing industry have.

Mr Hart says labour and skills shortages are a reflection of industry problems such as pay rates and training, not problems with New Zealand workers.

He says the move is really aimed at cutting labour costs due to other problems in the industry.

Mr Hart says it is an attempt to enter the global labour market, and if it is allowed to continue would spread from the fishing industry through all primary industries.

Foreign exchange pressures, low catch rates, increasing fuel costs and poor commodity prices have all undermined profits in the fishing industry in recent months.

The hoki quota for next year has also been slashed by the Government from 180 000 tonnes to 100 000 tonnes due to concerns that overfishing was damaging fish stocks.

There is growing international pressure to halt overfishing and aggressive commercial fishing practices that are damaging the marine environment and fish stocks.

The Maritime Union has offered its support to fishermen and has gone public with National President Phil Adams describing the use of imported overseas labour in the New Zealand fishing industry as a stain on New Zealand’s conscience.

Mr Adams says the Union sees the moves as part of a long term plan by employers to restructure the New Zealand economy around an international, casualized labour market.

“What we are seeing is not a one-off situation, it is a process that we believe is intended to knock the bottom out of wages and conditions in the most vulnerable industries first.”

Mr Adams says the Maritime Union is surprised the situation is being allowed to continue under a Labour-led Government committed to industry training and reducing unemployment.

He says the Maritime Union is not opposed to foreign workers, but is against the system which allowed the exploitation of cheap imported labour to undermine wages, conditions and employment security.

Maritime Union General Secretary Trevor Hanson says the Maritime Union has been lobbying the Government on the issue.

He says importing cheap labour will create a second-level employment market where casualized and underemployed New Zealand workers are played off against imported short-term contract workers.

Council of Trade Unions Secretary Carol Beaumont says the CTU is concerned by the moves and is talking to the Government as well.

The Service and Food Workers Union has criticized moves by a Timaru fishing company to bring in workers on its factory freezer trawlers.

Politicians have also stepped into the row with New Zealand First deputy leader Peter Brown attacking fishing companies.

“The move to bring in foreign workers when there are a number of unemployed New Zealanders who could benefit from the opportunity to get a foothold in the fishing industry is ludicrous,” he said.

Labour MP Damien O’Connor also called for his own Government to rethink the policy earlier in the year.

Maritime workers are already well aware of the threat posed by the use of non-unionized, casual labour, both from within New Zealand and from overseas.

The New Zealand shipping industry has been decimated by ‘Flag of Convenience’ shipping which exploits unorganized Third World crews.

Alarm is also spreading due to the rise of ‘Ports of Convenience’, where non-union, casualized waterfront workers are shunted around internationally, turning ports into global ‘free labour’ zones.

See Ports of Convenience article page 10