



ITF Seafarer Body Mulls ILO, Criminalization Issues

By Katsuji Taki

Assistant General Secretary,
Oceangoing Seafarers Dept.

The JSU participated in the ITF Seafarers' Section Committee meeting held in Hong Kong on May 22-23, 2006, and wishes to inform all JSU members of the positive developments achieved during the meeting.

ILO Issues

1. With regard to ILO Convention 185 (Seafarer's Identity Document), the committee has been informed that relevant affiliated unions have taken action to promote its ratification in an efficient manner.

In this context, the JSU has also reported that an opinion has been summarized by the committee concerned at the Ministry of Land, Infrastructure and Transport of the Japanese Government, regarding a national immigration control law.

The JSU maintains that if such a national immigration control law singled out seafarers for fingerprinting, then the union would protest its ratification on the grounds the law was discriminatory.

However, if such a requirement is applied equally to all immigrants, one of the hurdles making ratification

difficult could be overcome.

The JSU reported to the committee that:

- The JSU has already submitted a motion promoting ratification of the Maritime Labor Convention, 2006;

- The Japanese Government and the private sector held a special forum on MLC 2006 with Cleopatra Doumbia-Henry, director of international labor standards at the ILO, on Apr. 28, 2006 in Tokyo and;

- These tripartite bodies will hold a seminar with government representatives from Asian countries as a means for discussing and promoting ratification of MLC 2006.

2. The committee was informed that the Joint ITF/ISF interpretation of the ILO Minimum Wage for able seaman for the years 2007-08 has been established as follows:

- A total of US\$905.12 vis-a-vis a Basic Wage of \$515.00 as of Jan. 1, 2007;

- A total of \$931.45 vis-a-vis a Basic Wage of \$530.00 as of Jan. 1, 2008;

- A Total of \$956.66 vis-a-vis a Basic Wage of \$545.00 as of end-2008; and

- 104 hours of fixed over-

time work shall not automatically apply to the calculation of ILO minimum wages; overtime work compensation should be paid on an actual basis.

The committee agreed to recommend to the ILO governing body to review the ILO formula for minimum wage.

The committee agreed that all affiliates concerned would spare no efforts in promoting ratification of the ILO Convention 185 (Seafarers' Identity Document) and MLC 2006 and full application of the ILO Minimum Wage.

2. Criminalization

The resolution and guidelines developed by the Joint IMO/ILO Ad-hoc Expert Working Group were introduced to the committee. The committee asked the ITF secretariat to take further action as necessary, e.g.:

- To consider the need for the International Assist Network including legal advice and interpretation services;

- To request the presence of a legal adviser from the seafarer's representative organization when necessary;

- To ensure that seafarers shall have the right to remain silent, in the case of seafarers who are in custody, in accordance with the provisions of the international declaration on civil and political rights.

(Continued on Page 3)

Filipino ISS: Here to Serve You

It has been eleven years since the JSU hired senior Filipino officers to work for the union as International Service Staff (ISS).

Two were hired initially in 1995, but this number was increased to four in 1997 and to six in 2000. Several ISS have since resigned to pursue their maritime careers at shipping companies. As of this writing, only four ISS are presently employed by the union; two are assigned to the Kansai area (Kobe and Osaka) and two in the Kanto area (Tokyo Bay area).

Current ISS members are:



Bayani A. Jaboli
Joined JSU: July 1995
Location: JSU HQ (Tokyo)

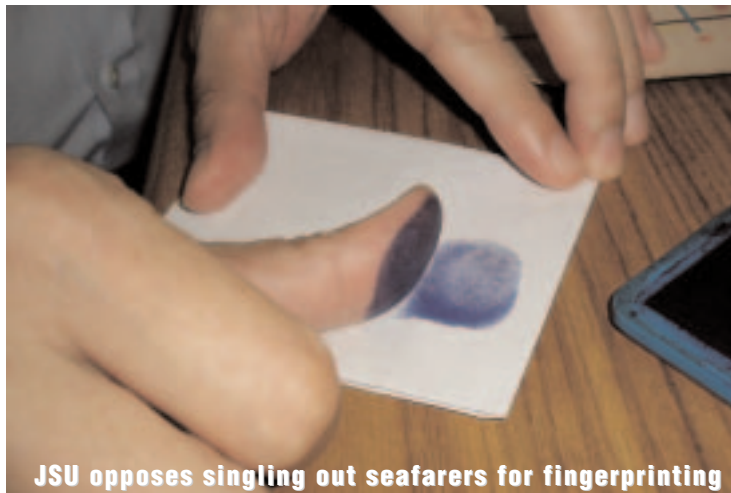


Eduardo E. Galang
Joined JSU: Sept. 1997
Location: Kobe Reg. Office



Ernesto T. Quijano
Joined JSU: Sept. 2000
Location: JSU HQ Tokyo

(Continued on Page 3)



JSU opposes singling out seafarers for fingerprinting

By: Bayani A. Jaboli
JSU International Service Staff

Death/Disability

Q1: If a JSU member dies while ashore (off duty), can his beneficiaries receive compensation from his company?

A1: Yes. As per Article 29 of the IBF JSU/AMOSUP-IMMAJ CBA (Loss of Life – Death in Service), if a seafarer dies while in the employment of the company – including death from natural causes and death occurring while traveling to/from the vessel – or as a result of marine peril, but excluding death due to wilful acts, the company shall pay the sums specified in the agreement to a nominated beneficiary and to each dependent child (up to a maximum of four) under 21 years of age.

Q2: What if a seafarer suffers permanent disability due to an accident while off duty?

Frequently Asked Questions (FAQs)

Seafarers Covered for Off-Duty Death, Disability

A2: A seafarer who suffers permanent disability as a result of an accident while in the employment of the company, regardless of fault, including accidents occurring while traveling to/from the vessel, and whose ability to work as a seafarer is reduced as a result thereof, but excluding permanent disability due to wilful acts, shall in addition to sick pay, be entitled to compensation according to the provisions of the agreement.

Onboard Pay

Q3: My manning agency sends 80 percent of my monthly basic wage to my family, pays me US\$200/month on board and with-

holds the rest until I sign off. Is this correct?

A3: No! As per JSU agreements and the POEA regulation, 20 percent of your monthly basic wages shall be credited to your account while the remaining 80 percent must be remitted to the Philippines. Overtime compensation shall be payable onboard. There is no basis for the company or the manning agency to withhold any part of your wages.

Q4: Can I send some of the the money I earned onboard to my allottee in the Philippines other than the 80 percent of my basic wages?

A4: Yes. A Master's Payment Order may be issued by the master upon request

by the seafarer in lieu of cash at any particular time for purposes of remitting seafarer's earnings to his/her allottee in the Philippines, even when the amount exceeds the mandatory 80 percent. The company shall bear the bank charges for such transactions.

On Employment:

Q5: I have been working for the same manning agency and principal for more than 10 years. Can I be considered as a regular employee of the company?

A5: No. Seafarers are contractual employees whose terms of employment are fixed for a certain period of time. Your employment is governed by the contract you sign every time you are rehired, and your employment is terminated when the contract expires. Extension of the contract is subject to mutual consent between you and the company.

Warning: U.S. Gets Tough Over Bilge Water Handling

International and U.S. law prohibits the discharge of oil-contaminated bilge water without treatment by an oily-water separator, a required pollution-prevention device.

The law also requires that all overboard discharges be recorded in an oil record book, a mandatory log which is regularly inspected by the U.S. Coast Guard.

Please take a lesson from the following cases:

Case 1 – On Apr. 6, 2006, the Chief Engineer of a Panamanian-registered containership was convicted in U.S. federal court on charges of conspiracy, obstruction, destruction of evidence, false statements and violation of the Act to Prevent Pollution from Ships in connection

with the use of a secretly concealed “magic pipe” used to deliberately discharge tons of sludge and oil contaminated waste overboard.

It was announced that the Indian Chief Engineer was sentenced to two months of incarceration, a \$3,000 fine, and a \$500 special assessment by U.S. District Judge Patti B. Saris.

In sentencing the defendant to two months in prison, Judge Saris indicated that the term was “poetic justice” since it corresponded to the period in which the defendant supervised the dumping of tons of sludge from the vessel.

The Chief Engineer pleaded guilty to making false statements to the Coast Guard, having denied know-

ledge about the existence and use of the bypass equipment; with obstruction of justice by directing subordinates to lie to the Coast Guard; with concealing evidence; and with concealing the discharges in a falsified Oil Record Book.

Case 2 – On Jan. 5, 2006, a New Jersey district judge sentenced a Filipino Chief Engineer to a year in federal prison for falsifying the Oil Record Book in an attempt to conceal overboard discharges of oily waste from the ship.

The Chief Engineer pleaded guilty on Sept. 7, 2005 to violating the Act to Prevent Pollution from Ships, based on his role in discharging oil sludge and oil-contaminated bilge waste directly into the ocean from the ship and falsifying the ship’s records to cover up the discharges between December 2004 and March 2005.

The Japanese shipping company operating the vessel, in a plea agreement, will pay a \$200,000 criminal fine and an additional \$150,000 payment that will be used for community service.

The plea agreement follows one in the district of New Jersey from a Singapore shipping company which agreed to pay \$6.5 million in criminal fines and community service payments.



UN Urges Response to Somali Pirates

The UN Security Council has urged member states to use naval vessels and military aircraft in the fight against piracy and armed robbery off the coast of Somalia.

In a presidential statement on the situation, the council “encourages member states whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia to be vigilant to any incident of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law.”

The attention of the Security Council was first drawn to the growing problem of piracy and armed robbery against ships off the coast of

Somalia by a resolution adopted by the 24th session of the IMO’s assembly in November 2005.

In resolution A.979(24), the IMO assembly condemned and deplored all acts of piracy and armed robbery against ships and appealed to all parties, “which may be able to assist, to take action, within the provisions of international law, to ensure that all acts or attempted acts of piracy and armed robbery against ships are terminated forthwith; that plans for committing such acts are abandoned; and any hijacked ships are immediately and unconditionally released and that no harm is caused to seafarers serving in them.”

Soon after the resolution was adopted by the IMO, secretary-general Efthimios E. Mitropoulos submitted it to UN secretary-general Kofi Annan for consideration.

The council is urging cooperation among all states, particularly regional states, and active prosecution of pirates. (Source: Marine Link)

Biometric IDs Planned for Filipinos

Filipino seafarers will soon be issued biometric ID cards, the Philippine Government said.

The cards will include information such as name, age and home address of the card holder, and details concerning promotions.

The biometric ID system aims to lessen the inconvenience of entering and exiting seaports in various parts of the world.

The system has been designed following recommendations by the International Labor Organization (ILO) in Convention No. 185 that a biometric ID system be established for seafarers.

Around 1.2 million maritime workers worldwide will receive the ID cards, including an estimated 250,000 seafarers in the Philippines alone. (Source: *Balitanag Marino*)

Whale of a Problem In Tsushima Strait



High-speed ships connecting the southwestern Japanese city of Fukuoka and the South Korean city of Pusan are having trouble with increasing collisions with whales near the Tsushima Strait.

Some experts claim that whales collide with ships when they rapidly surface from deep water, while others say female whales raising calves have trouble avoiding fast-moving ships.

This year alone, four such collisions have occurred. Experts say that accidents of this kind are unavoidable to some extent. High-speed vessels are powered by hydrofoils in front and back that enable the ships to travel at greater than 40 knots while floating about two meters above the surface of the water. Although no fatalities have been reported as the result of these collisions, companies have already spent US\$4.2 million on repairs.

States Still Ignoring Rules on Shore Leave

States that fail to provide seafarers with access to shore leave, ignoring stipulations outlined in the international security code (ISPS Code) that came into force two years ago, will be the target of a new ITF reporting system.

The system, due to be introduced shortly, will involve asking ITF inspectors to record cases of seafarers being denied access to shore leave or prevented from leaving their vessels.

This will help develop a comprehensive database of information, building on the ITF’s September 2005 survey report on the impact of tighter security measures outlined in the International Ship and Port Facility Security (ISPS) Code.

Some 58 percent of seafarer union respondents said that shore leave had been denied; particular problems were experienced in U.S. ports. This is despite the fact that the ISPS Code clearly stipulates that states should pay “due cognizance” to seafarers’ need for shore leave and access to shore-based seafarer welfare facilities, including medical care.

Jon Whitlow, ITF Seafarers’ Section secretary, said:

“Improvements in security in the maritime sector must be implemented in a way that safeguards the human rights of seafarers. This includes their ability to secure shore leave.

“The new reporting system will show us the extent of the problem and help us ensure that the ISPS Code and other security related measures are properly implemented.” (Source: *ITF News Online*)

JOKE CORNER

Three seafarers on vacation are arguing about who’s the most miserable.

AB: I’m the most pitiful – my beautiful wife became fat. I don’t even want to go out with her anymore.

OLR: No, my case is heartbreaking! My beautiful wife left me for another man.

BSN: I’m the most miserable of all: I have three very beautiful wives.

AB & OLR: What’s miserable about that?

BSN: I have three mothers-in-law to nag me.

(Source: *ISS B. Jaboli*)

Seafarers Learning More About JSU



1/E Hernando C. Jaque
Paradise Ace

I am very thankful for the continued support given by the JSU to us non-domiciled members.

I believe that employing non-Japanese ISS gives us the opportunity to communicate with the union and voice our opinions on certain issues affecting seafarers.



C/Ck Felix Sioc
Jingu Maru

Thanks to the JSU for the benefits we enjoy.



ISS meeting with the crew of Ken Zui



C/E Edgardo Avergonzado
Paradise Ace

The JSU supports us by tackling issues that benefit seafarers. However, we would like the JSU ISS to make regular visits so that we can be updated about new policies.



AB Federico Dancel, Jr.
Paradise Ace

Many thanks to JSU ISS for their efforts and support to us seafarers. This is the first time we were visited by JSU staff and were given an explanation about the IBF CBA.



2/Ck Edgar Baptista
Jingu Maru

We are happy to have the JSU Filipino staff visit our vessel. This was the first time for us to communicate with the JSU. Knowing that we can call on the ISS gives us confidence.

ISS-

(Continued From Page 1)



William C. Mambalo
Joined JSU: Sept. 2000
Location: Kobe Reg. Office

Former ISS:

Nolito Babasa - Joined the JSU in July 1995, and resigned in June 1997;

Raul G. Go - Joined the JSU in September 1997 and resigned in June 2005; and

Vincent P. Higoy - Joined the JSU in September 1997 and resigned in May 2006.

The Filipino ISS play an important role in dissemination of information to non-domiciled members when bargaining agreements are being amended or important policies are being enacted.

Their prime activities are ship visits, communication with members and coordination with the union concerning seafarers' problems, complaints or suggestions.

Because of the implementation of the ISPS Code, it is important for ships' crews to know the persons boarding their ships. Please get to know the JSU ISS - they may come to visit your ship.

Your Health: How to Defeat Jet Lag

Vessel accidents have a number of causes, but one source of trouble is seafarers who were ordered to take command responsibility while still suffering from fatigue due to jet lag.

Jet lag refers to the physical, psychological and emotional symptoms that air travelers experience after a trip that carries them across

five or more time zones.

Symptoms include fatigue, insomnia and daytime sleepiness, headache, irritability, difficulty concentrating, memory problems, disorientation, clumsiness, general weakness, loss of appetite and indigestion.

The body's internal clock, located in the brain's hypothalamus, is continuously

being adjusted by rhythms resulting from the environment (e.g., light/dark cycle; temperature, humidity, etc.). Adjusting the body clock is a slow process.

When you travel across several time zones, dissociation between the time in the local environment and the time in the internal body clock occurs. It takes several days for the internal body clock to adjust.

Minimizing Jet-Lag

During the Flight

1. Take fluids liberally (water is best). This prevents dehydration.
2. Avoid alcohol and coffee.
3. Perform static exercises for arms, legs and trunk muscles while seated, or walk up and down the aisle of the airplane every hour.
4. Do not over-eat. Time your meal to coincide with those at your destination.
5. Time your sleep to coincide with nighttime in your



Lack of rest after a flight undermines safety

destination.

On Arrival

1. If you arrive during the day, do not sleep even if you are tired. Stay outdoors and stay awake till nightfall.
 2. If you arrive at night, get some sleep.
- When taken in the early evening in the new local time, melatonin reduces the effects of jet lag and promotes body clock adjustment. (Source: MB, Medical Notes)



A long flight can be physically draining

ITF-

(Continued From Page 1)

3. Preparations for ITF Durban Congress

The committee discussed the provisional agenda, which will be submitted to the ITF Congress Durban in August. The committee agreed to add "promotion of ratification of MLC 2006" and "Guideline on ITF Cabotage Policy."

4. ITF Plan for Female Seafarers' Unions

- The seminar for women seafarers on cruise ships was held in Indonesia. The committee confirmed that plans will go forward, focusing on Indonesia, the Philippines, Russia, Turkey and Ukraine.

5. Political Issues

The ITF secretariat was invited to provide additional information and to take steps in developing issues on a "genuine link" between the UN and IMO.

LETTER from HEADQUARTERS

The All Japan Seamen's Union (JSU) has been providing comprehensive improvements in working conditions, protecting the rights and raising the status of JSU non-domicile special members, who face challenging international standards.

On the first of June 2006, the JSU Headquarters began a new phase of service by broadening its structural reform to make activities more flexible and to establish a simpler, more member-focused organizational structure that can rapidly respond to members' needs.

Following are the specific structural reform measures being implemented to achieve the above goals.

A. Measures relating to JSU non-domicile special members

The previous "Bureau of International Seafarers" is being renamed the "International Affairs Bureau." It is organizing the following departments and offices:

1. The previous "Department of Foreign Trade" which was responsible for working conditions, will become the "Oceangoing Seafarers Department."

2. The previous "International Affairs and Seafarers' Section," which was responsible for raising the status of JSU non-domicile special members at international forums, will be reorganized as the "Oceangoing Seafarers Department."

3. Manila Welfare Office

4. Representative in Vietnam, China, Singapore.

B. Install a new service system to receive members' questions via e-mail:

1. General questions should be sent to <iss@jsu.jp>

2. Questions about the JSU-CA retirement pay plan should be sent to <retirement_pay_plan@jsu.jp>

All Japan Seamen's Union

15-26, Roppongi 7-Chome,
Minato-Ku, Tokyo 106-0032

Tel.: 03-5410-8330

Fax: 03-5410-8336

E-Mail: iss@jsu.jp

Internet: <http://www.jsu.or.jp>

Publisher: Masaru Mio

Send inquiries to the attention
of Mr. Masanobu Makizoe,
Director, Oceangoing
Seafarers Department

PC Subsidy for OFW Families

Filipinos working abroad can now get in touch with their families more often after the Overseas Workers Welfare Administration and Microsoft Philippines launched a special purchase program for OFWs.

Under a project dubbed "Konek ka Diyan," OFWs and their families can avail themselves of a special credit program under OWWA's Family Assistance Loan program to purchase multimedia personal computers.

OWWA administrator Marianito Roque said that

while OFWs support their families financially, the emotional effects of long-term separation often prove difficult to manage.

Antonio Javier Jr., managing director of Microsoft Philippines, said they have seen how IT can potentially change lives, improve confidence and bridge the physical divide between OFWs and their families.

Javier noted that in addition to the financial assistance that will be made available to those interested in owning a personal com-



The OWWA/Microsoft subsidy will help Filipino families maintain contact with their seafaring fathers.

puter, Microsoft will contribute a dollar to the OWWA Scholarship Fund for every unit sold.

Roque said that for a peri-

od of one year from the program's launch, they will be targeting families of 10,000 OFWs as beneficiaries of the program. (Source: Phil. Star)

Mariners' Home: Your Union Dues at Work

By: Manuel Otayza
Manager, Mariners' Home

"You're dues are working for you." It may sound like a cliché or a street advisory but for Filipino seafarers, JSU-AMOSUP Mariners' Home, an home exclusively for them, is an answered prayer.

Located at 1765 Vasquez corner Julio Nakpil Sts. Malate, Manila, the JSU-AMOSUP Mariners' Home was inaugurated by President Gloria Macapagal-Arroyo last January 23, in the presence of Capt. Grego-

rio Oca and Capt. Sakae Idemoto – presidents of the Associated Marine Officers' and Seafarers' Union of the Philippines (AMOSUP) and the All Japan Seafarers' Union (JSU), respectively.

The Mariners' Home is strategically located near the major thoroughfares, LRT stations, malls and in close proximity to the different shipping agencies.

The Home is open and ready to serve seafarers 24 hours a day, 7 days a week. With its clean facilities, courteous staff and affordable rates, the Mariners'

Home is the modern home away from home.

The JSU-AMOSUP Mariners' Home has quickly turned into a sanctuary for hardworking seafarers in the three months since its opening on Mar. 1, 2006.

The six-story building can accommodate a total of 171 guests and has 24 bedrooms. It also has facilities such as cafeteria, audio visual room, and assembly room. A gym will be opening soon for those seafarers who want to stay fit.

To date, the Mariners' Home is about 75 percent

occupied, with guests consisting of maritime students, seafarers awaiting embarkation or who have recently disembarked, and seafarers undergoing training and/or physical check ups.

More and more satisfied seafarers vowed to spread the news about their wonderful experiences at the Mariners' Home by word of mouth.

Thanks goes to the advocacy of the people behind this successful project for adhering to the welfare of the seafarers of today and seafarers of the future.

Seafarers' Mission Marks 150th Year

This year, the Mission to Seafarers is celebrating 150 years of caring for seafarers.

"Today it is technology, multi-culturalism and criminalization, rather than crimps preying on crews for their money, that are key issues affecting seafarers' welfare," said Canon Bill Christianson, Mission to Seafarers secretary general.

"But some things remain the same. Loneliness and homesickness are still a problem and, just like 150 years ago, seafarers are still vulnerable to the whims of an unscrupulous minority of shipowners."

Canon Ken Peters, Mission director for justice and welfare, added: "The protection of seafarers' human rights is an area in which it is counterproductive to dabble in an amateurish way. The Mission continues to train its chaplains, to equip

them with a sound basis of legal knowledge and with advocacy skills, so they can better advise and represent seafarers."

As well as working to solve specific cases, such as incidents of seafarers stranded far from home on ships that have been abandoned by their owners, the Mission also takes care of other important concerns.

"Loneliness and cultural isolation are hugely underrated problems for seafarers. The strain of being alone, or confined in a steel box with people that you are unable to communicate with can lead to depression and despair," Christianson said.

Mission centers offer a warm, dry place of safety and relaxation away from the ship. And its chaplains deliver books and provide local information to visiting seafarers – such as helping with shopping trips.

Faster cargo turnaround times and shorter port visits by ships mean that the Mission has had to adapt the way it operates. Seafarer centers have become more

compact and are located closer to visiting vessels. They are better able to accommodate visits that last a few hours instead of a few days. Telephone and Internet facilities have also increased in significance for seafarers.

The Mission is taking advantage of new and cheaper communication technology as it becomes available to help seafarers stay in touch with their families. Working with maritime communications specialists SeaDigital Communications, it recently launched a pre-paid calling card designed specifically for seafarers.

"During its history the Mission has changed and expanded. But what this

really means is that our work is never done. Many seafarers come from the poorest, most disadvantaged parts of the world and need a staunch shoulder of support. They have learned to trust the flying angel flag to be just that," Christianson said.

The Mission to Seafarers is a society of the Anglican Church. It cares for the practical and spiritual welfare of seafarers of all races and creeds in 230 ports throughout the world.

Working through a network of chaplains and staff, each year on average it makes 64,000 ship visits and welcomes 500,000 seafarers to its centers. (Source: Mission to Seafarers)

MISSION to SEAFARERS in YOKOHAMA

Hours: 11:30-23:30 Monday-Friday, and 16:00-23:30 Saturday, Sunday and National Holidays.

Address: Newport Building 3F, 194 Yamashita-Cho, Naka-Ku, Yokohama 231-0023.

Tel.: (+81) 045-662-1871

Fax: (+81) 045-641-5772

E-mail: <seamen@cameo.plala.or.jp>