

Joint statement by the TUC, RMT and Nautilus International

The TUC and the maritime unions RMT and Nautilus International are extremely concerned that seafarers on UK ships are still not protected against discrimination.

Discrimination at sea should have been outlawed long ago. Articles 18 and 45(2) of the Treaty on the Functioning of the European Union clearly prohibit discrimination on the basis of nationality. In the UK, the Race Relations Act protected most workers but a loophole meant that seafarers were exempt. The Race Relations Act has recently been replaced with the Equality Act 2010 but protection has still not yet been extended to seafarers on UK ships, which means that some are paid as little as £2 per hour.

Following complaints to the European Commission by members of RMT and Nautilus International, the UK Government is currently facing EU legal proceedings over discriminatory low pay for seafarers.

The current situation disadvantages both seafarers from countries outside the EU/ European Economic Area (EEA), who are paid low wages, and seafarers from UK and other EU/EEA states, who are at risk of being undercut by low-paid workers from other nations.

In fact, just over half the seafarers on UK ships are from the Philippines (52.8 per cent), which is not a member of the EEA. Surely the European Union did not mean to exclude these workers from the protection of the law in cases where they have a significant connection with a member state - yet that is exactly what many UK ship-owners are doing at the moment.

The previous UK government was slow in dealing with this issue, but in December last year it drew up draft regulations to apply the Equality Act 2010 to British ships. However, even under these, there are situations where EEA and non-EEA seafarers would not be covered. The current government has not yet implemented these draft regulations.

The outgoing government also commissioned an independent *“review of the stakeholder evidence on differential pay in the shipping industry”*, which was published by the current government just after the election. The report concluded that on the basis of the evidence submitted, the practice of nationality-based pay differentials for seafarers should be outlawed altogetherⁱ.

Some UK ship-owners owners have threatened to “flag out” their ships by registering them with another country if they have to obey European equality law, but they are keeping quiet about the substantial reputational and financial advantages of UK registration. Indeed, there is clearly an element of crying “wolf” in their protests.

Union research shows that many other European member states are obeying the law – so why should UK ship-owners be allowed to continue to discriminate on the grounds of nationality?

The current government is still considering its position. In the meantime, seafarers on UK ships are suffering pay discrimination. Unions are bargaining for fairer pay at sea as part of their day-to-day work, but the government must also play its part by acting to end this injustice as soon as possible, and the EU must ensure all seafarers are protected.

ⁱ Review of the stakeholder evidence on differential pay in the shipping industry, Department for Transport, 2010, p21.

<http://www.dft.gov.uk/pgr/shippingports/shipping/diffpay/pdf/report.pdf>.