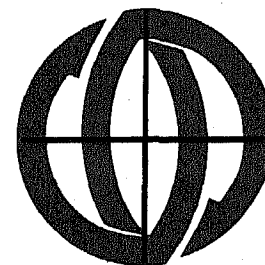


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**FORTHCOMING
MEETINGS (13)****ITF DOCKERS' SECTION CONFERENCE:****CALL FOR JOINT ACTION ON
TOXIC CARGO TRANSPORT**

Urgent joint action from the different sections of the ITF's membership is needed to tackle the increasing problems encountered by transport workers handling dangerous goods. This was one of the key decisions taken by the ITF Dockers' Section Conference which took place in Rotterdam on 30 and 31 May. The Conference, presided over by Section Chairman John Connolly (T&GWU) brought together 74 delegates from 30 dockers' unions in 27 countries.

Held on a day when Italian dockers in Genoa had refused to unload the Syrian flag ro ro ship *Zanoobia* which has been sailing around the world for more than a year carrying thousands of leaking drums of assorted toxic chemicals, the Section Conference voiced the increasing concern of dockworkers about the lack of information about and proper protection against many of the goods which they handle on a daily basis. Delegates from Africa expressed particular concern that developing countries were being increasingly used as a dumping ground for substances considered too dangerous to be used in Europe or North America, and it was generally agreed that containerisation, although it had reduced some hazards, had made it easier to hide unknown and dangerous goods. Since the problem is of equal importance to seafarers and to inland transport and aviation workers, the Conference agreed to ask the ITF to convene a special conference on the transport of dangerous goods in order to inform affiliates of existing national and international standards and to develop a common policy.

The two day meeting which was held in the ITF 'De Beer' Centre was opened by the Mayor of Rotterdam Bram Peypers. He referred to the importance of maintaining a social dialogue between employers and trade unions if technological change in the port industry was to be carried out in a humane and socially acceptable manner. Also addressing the opening session was Kees Marges Dockers' Section Secretary of the host union Vervoersbond FNV. Marges presented three 'theses' about the future of the trade union movement which he had been promoting already in the Netherlands. These theses, which had received strong support from the Mayor of Rotterdam recognised the need for greater industrial democracy and for a transformation in the international activities of the trade union movement. For unions in the European Community in particular, Marges argued, the completion of the internal market at the end of 1992 had to be accompanied by a transfer of decision making power from the national to the international level.

During the course of the meeting delegates exchanged experiences about recent developments in the port industry. Although there had been relatively few industrial disputes in Europe's ports in the first 6 months of 1988, the situation in the United States was deteriorating rapidly. Employers were engaged in a campaign of union

Continued on page 2

...Solidarity needed from seafarers' unions

Continued from page 1

busting, re-opening old non-union ports in the South of the country and provoking strikes in the North East. The Conference agreed to recommend the Fair Practices Committee to reaffirm its 1987 decision pledging the solidarity of seafarers' unions to dockers and, in response to a long standing demand of the International Longshoremen's Association, it was agreed to set aside a day each year in conjunction with the Fair Practices Committee when seafarers' and dockers' unions could discuss their common organisational problems and plan how to make solidarity more effective.

The meeting agreed the text of a model collective agreement for dockwork which, although advisory in nature, is designed to lay down basic minimum standards for working conditions which can be applied worldwide. The agree-

ment, which is accompanied by detailed notes for negotiators, covers issues such as: trade union membership; trade union recognition; facilities for shop stewards; respect for picket lines; employment security; wage guarantees; promotion and training; container stuffing and stripping.

It lays down basic minima for a number of specific working conditions based on data derived from the ITF's annual survey. Topics covered are: basic wages; wage differentials; bonuses; working hours; overtime; shift work; annual leave; retirement age and benefits; medical treatment, sick pay and industrial injury compensation; the introduction of new technologies; information disclosure; and safety and health at work. Copies of the agreement will be widely circulated to dockers' unions for use both directly by negotiators and in union educational

activities.

The Section Conference also adopted a set of ITF guidelines on the definition of dock work and dockworker and held a lively debate on the re-introduction of casual labour in many ports and the manpower implications of the increasing use of self-unloading bulk carriers and the performance of cargo handling work by ships' crews.

The dockers' representatives attending the meeting took advantage of the fact that they were present in the world's largest port to hold discussions with rank and file members of the Dockers' Section of the Vervoersbond FNV and to tour the port area as guests of the City Council. The tour ended with a visit to the world's largest container handling company ECT (European Container Terminus) which loads and unloads around 1.7 million TEUs annually.

DRINK AND DRUGS AT WORK

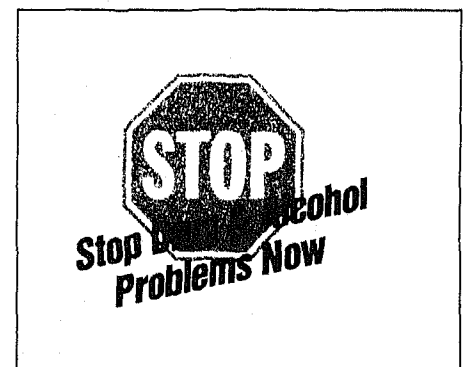
Drug and alcohol misuse are two of the leading causes of death worldwide, and as most of those who misuse these substances are also workers it is estimated that these twin evils could be responsible for as many as one in three accidents at work as well as resulting in many thousands of hours of lost productivity. Transport workers are in a particularly serious position since their fitness at work can affect not only their own lives but also those of passengers, other road users and the surrounding communities.

The bald statistics take little account of the immense human cost to the sufferer, who often turns to drugs or alcohol seeking relief from the pressures of modern living, only to find that he cannot escape from dependence. Inevitably the families of sufferers are drawn into this human tragedy.

Recognising these grave problems,

the ILO has teamed up with the World Health Organization to produce **Responses to Drug and Alcohol Problems in the Workplace** — a comprehensive and easy to use kit for use by those who come into contact with drug and alcohol misuse at work. Financial assistance for the project has come from the United Nations Fund for Drug Abuse Control (UNFDAC).

The kit comes in a handy portable plastic pack. It includes a complete audio visual programme, with a set of slides and a cassette as well as stickers and a poster. It identifies the various problems of abuse and includes a model programme, with vital information on how to set up and implement an effective programme suited to the particular circumstances of the workplace. Also included as part of the kit are guidelines on policy, a guide to existing legislation and details of



bodies which might be approached for further information.

The complete kit, which is available in English, French and Spanish, costs 250 Swiss francs, (US\$175, £110), inclusive of post and packaging, from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland.

It is also available on loan from ITF Headquarters.

General Secretary: **Harold Lewis**

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David freed from detention

Malaysian trade union leader V David is free once more. He was released on 3 June after being held in a detention camp for just over seven months under Malaysia's notorious Internal Security Act which provides for prolonged detention without trial.

While he was in jail, Amnesty International took up Dr. David's case and that of the other union and political detainees arrested about the same time and coordinated international protest action on their behalf.

At ITF General Secretary Harold Lewis' request, many ITF affiliates lodged vigorous protests with Malaysian diplomatic representatives and with Prime Minister Mahathir Mohammed at the continued detention of David and his fellow prisoners and called for their immediate and unconditional release.

Both the ITF and human rights bodies like Amnesty have long been concerned at the way in which the Malaysian government treats those it views as its political opponents, a cate-

gory that often extends to prominent union leaders. They have drawn attention repeatedly over the years to the human rights abuses that take place in Malaysia and called for the revoking of the Act that makes imprisonment without trial possible.

David himself is no stranger to the inside of Malaysian jails and the interrogation that goes with being viewed as a national security risk. What was worse, he suffered a heart attack while in detention this time and was taken to hospital where he was kept handcuffed to his bed — an outrageous and deeply inhumane practice which provoked questions in parliament but which the Malaysian government shrugged off as being perfectly within the law!

It was David's wife who let the ITF know that her husband was now out of prison as she has kept in touch with us over the past few months to let us know of developments in her husband's case.

But she writes that David's liberty is conditional only. He is confined to the city of Kuala Lumpur and its suburb

Petaling Jaya for the next two years. He is under curfew and may not leave his house between the hours of ten in the evening and six in the morning and he must also report to the police each month. He has been told that he is not free to travel abroad without official government permission.

With these irksome restrictions on his freedom, it is clear that he will be unable to take up the life — both professional and personal — he had before he was detained and so the ITF is renewing its campaign on his behalf and urging affiliated organisations to keep up the pressure on the government until he is free to come and go as he chooses.

Meanwhile, the General Secretary has thanked ITF affiliates for their prompt response to the appeal for protest messages to the Malaysian authorities, adding that there can be little doubt that these forceful protests were a key factor in bringing about David's release.

Millions join South African union protests

The latest stage in the campaign by South Africa's independent trade unions against government plans to introduce new legal restrictions on their activities began with an unprecedented demonstration of massive solidarity by organised workers.

The special conference of the Congress of South African Trade Unions (COSATU) held in May (see *ITF News*, May 1988) decided to call for three days of national protest against recent government bannings and the new labour laws (which are now before Parliament), to step up factory demonstrations against the bill and to call a 'broad front' conference of all groups opposed to Apartheid.

The three day stay-away on June 6, 7 and 8 surprised even anti-apartheid activists by its depth of support and has made both government and employers' organisations rethink their attitude towards COSATU.

The action, which was also supported by the smaller National Council of Trade Unions (NACTU), resulted in

between 2.5 and 3 million workers staying at home over the three days.

The independent Labour Monitoring Group reported that, on the first day, 85 per cent of workers went on strike. For the second and third days, the figures were still impressively high at 78 and 72 per cent respectively.

Compared to the last stay away — protesting the whites-only election last May — this action drew in a staggering 200 per cent more supporters.

A representative of the Assocom employers' organisation estimated the cost of the strike at "around 500 million rand."

The action, in the words of COSATU General Secretary Jay Naidoo, was "peaceful and legal, and the sole means at our disposal for our members to make their grievances known."

There were a few violent incidents, incited by members of Chief Buthelezi's racially based Inkatha movement (yet again demonstrating their value to the South African regime) — but, in

the main, the stay away passed off without any major clashes.

The strength of support for the three day stay away has clearly been noted by the South African government. In an unprecedented move, the South African Labour Minister Du Plessis stated that he would be willing to meet COSATU "to discuss the implications of the new Labour Amendment Act and eventually to change some of its Clauses."

This offer, coming from a government well known for its intransigence and hostility to compromise, seems to show that the South African regime has resigned itself to the need to talk to the independent unions.

Employers, who originally backed the bill, are also having second thoughts. Talks between employers' representatives and COSATU have been held, and there is a possibility that a joint approach to mediation may be made.

Naidoo has said that COSATU is
Continued on page 4

Transport policy setback in Swiss vote

In a blow to plans to revitalise the country's public transport, the Swiss people voted down — in a referendum held on 12 June — the government's proposals for a coordinated federal transport policy.

The government wanted to end the present system where responsibility for transport is shared between the federal and cantonal authorities and public and private enterprise, which it argued was both costly and unsuited to the country's long term transport needs.

Had the plan been approved, the

government would have gone ahead — with financial assistance from the EC — with the building of a transalpine rail link between Germany and Italy, involving a new rail tunnel. Heavy lorries would then have been carried through Switzerland loaded on rail waggons.

The scheme was considered necessary in order to resist pressures from Community countries for a north-south road corridor through Switzerland for transalpine transit traffic.

Switzerland has been able to hold so

far to its 28 tonne lorry limit on environmental grounds but the referendum setback means that this will become increasingly difficult. The spectre of 40 tonners thundering through Switzerland may not now be far off.

The decision — more than 54 per cent were against the plan — probably had more to do with the attachment of the Swiss people to local autonomy than with opposition to transport policy, but it has clearly disappointed the transport unions who had campaigned actively for a yes vote.

...tough press curbs herald renewed emergency

Continued from page 3

always willing to negotiate with the employers and the government, but they want to see the Labour Amendment Act suspended first. They have also suggested that the International Labour Organisation (ILO) should participate in any mediation exercise.

However repression rather than mediation seems to be top of the government's agenda. Two days after the stay away ended, it announced that the State of Emergency would be extended for yet another twelve months and introduced the most wide ranging press censorship yet seen under apartheid.

Under the new restrictions, the media is now forbidden from quoting members of the African National Congress,

the United Democratic Front and 17 other banned anti-apartheid organisations — previously the press had only been prevented from quoting named individuals who were 'banned' by the regime. Communicating or quoting any call to boycott the township municipal elections later this year is also illegal, and a system of effective 'licensing' for journalists, stringers and press agencies working for the foreign media has been introduced. Under threat of a ten year prison sentence, journalists must now register with the authorities, who have the power to see all their copy before it is filed.

Millions of South Africans participated in another successful stay away on June 16 — Soweto Day — marking the 1976 anniversary of the start of the

Soweto revolt against attempts to enforce Afrikaans as the language of instruction in the schools.

*The South African courts have now denied the appeal of the Sharpeville Six for a retrial. The six, sentenced to die for having "common cause" (but not responsibility) with a crowd who killed a black township mayor, were given a stay of execution pending their hearing for a retrial on the basis that they had proof of witnesses' intimidation and perjury. Now that a retrial has been denied they have a stay until July 19 to seek a further appeal. The ITF, along with the ICFTU, is appealing for affiliates to send messages to South African State President Botha appealing for clemency and a reversal of the decision against a retrial.

PEOPLE

Plantation workers elect new President, General Secretary

The International Federation of Plantation, Agricultural and Allied Workers (IFPAAW) has two new top officials, elected at its VI World Congress last month in Lausanne, Switzerland. They are P P Narayanan, who was elected President and Börje Svensson, the new General Secretary.

Narayanan will combine his new responsibilities with those of President of the ICFTU, to which he was re-

elected in Melbourne, and his duties as General Secretary of the National Union of Plantation Workers of Malaysia, a post he has held since the mid-1950s.

Svensson comes to his new job after having served for the past six years as IFPAAW President. He has been President since 1973 of the Swedish Agricultural Workers' Union SLF, the IFPAAW's Swedish affiliate. He suc-

ceeds the Acting General Secretary Dennis F Hodsdon, who took over after the death of the previous IFPAAW General Secretary José Vargas.

Rudi Schäfer, Vice President of the German Railwaymen's Union (GdED), has been appointed to the Board of the German Federal Railways (DB).

US rail safety: a victim of neglect

The United States' ageing 140,000 mile rail system is showing all the signs of age and neglect. Every day, defective trains are sent out over neglected track.

The drivers who operate the trains work long hours, are permanently exhausted and stressed and their social life is badly disrupted by a pattern of work that requires them to sign on at a moment's notice and spend nights away from home.

Not surprisingly, given the ramshackle state of the nation's railroads, the number of accidents and accident deaths is sharply up. There were over two and a half thousand railroad accidents last year and thirty five people died (nearly three times as many as in the previous year) according to official government figures.

Even more worryingly, some of these accidents resulted in the release of hazardous chemicals and gases — more and more of which are being carried by rail, often through major conurbations — in an obvious threat to public safety. This has led one union official to make the chilling comment "we're just one derailment away from a tragedy like Bhopal".

While these combined factors show that there is obvious cause for alarm, little is being done to improve safety. The federal agencies responsible for safety argue it out among themselves, blocking any effective solutions, while the politicians are notoriously reluctant to offer the federal subsidies the system desperately needs. Meanwhile the situation just goes on deteriorating.

These are the alarming findings of a four month in-depth investigation by a team of journalists from *The Detroit News*, who conducted interviews with industry executives, state and federal rail officials, drivers and inspectors, examined accident reports and rode the trains to see for themselves the state of the locomotives, track and lines.

Their reports, carried in a series of articles under the heading of *America's Railroads: Tracking Towards Trouble*, make disturbing reading for rail passengers and the general public alike.

The drivers interviewed all told very much the same story. One thing they

particularly disliked was the 'on call' system which required them to live by the telephone, ready to sign on at short notice, and meant they never worked to a regular schedule.

Their working environment they said was often poor. Cabs were noisy, draughty and uncomfortable and wind-screens scratched, making a clear view of the track impossible, while the trains themselves were frequently in a bad state of repair. Broken speedometers and headlights, defective horns and cab signal warning systems and unsecured hatch covers over hazardous materials tank cars were said to be commonplace.

Drivers said they rarely complained about the unfit state of trains as they would have been booked for insubordination or ordered to take out the train anyhow.

The story was generally of one man alone in the cab for many hours, constantly required to change speed and observe large numbers of signals, many of which were faulty. One driver reported long trips he had made where he had had to throw water over his face to stay awake — and more such reviving tactics are no doubt commonly em-

ployed by drivers to stop themselves falling asleep.

The staff reporters argue that there are many reasons for this sorry state of affairs on the massive but underused US rail system, not least the attitudes of the individual rail companies to safety which frequently leave a lot to be desired.

Trains are inspected prior to being run but still allowed to operate despite faulty brakes — even the big operators are guilty on this score.

A further factor affecting safety, it is argued, is the proliferation of short line railroads — that were once the unprofitable segments of longer lines. The new operators of these lines have little experience of running a railroad and the crippling costs of taking them over means that there is not enough money left for maintenance and proper safety equipment.

Though the federal machinery exists for dealing with safety the reporters were critical of a system under which operators are largely left to be their own policeman. Fines imposed in many cases are derisory and effective sanctions more or less unknown.

EC to liberalise road haulage...

In a move which surprised no-one, EC Transport ministers in Luxembourg on 20 June agreed a package of measures which will effectively create a common European market for road haulage services from 1 January 1993. The Federal Republic of Germany's transport minister Jurgen Warnke grudgingly abandoned his government's opposition to implementing the plan - which involves huge increases in road haulage quotas in the next two years and their abolition at the end of 1992 - without accompanying social harmonisation.

The only hurdle to be overcome now is the drafting of a common European road haulage operator's licence which will give companies the freedom to trade anywhere in the Community provided they can prove themselves to be financially sound.

...and increase truck sizes

Wearied EC lorry drivers will have good reason to be grateful to the EC Commissioners if a suggestion they made to the Community's Transport Ministers at a routine meeting last month is translated into practical action.

The Commissioners are proposing that the maximum permissible length of articulated trucks be increased by one metre to 16.5 metres so as to make room for a proper sleeping cab for the driver. At present bunk beds are fitted into the highly confined roof space — this is both uncomfortable for the driver seeking a good rest and also unsafe. If the new regulations find favour they could be in force by the summer of next year.

UTA's Lapautre adopts the Lorenzo model

René Lapautre, head of the French airline UTA, has decided that he wants to become Europe's answer to Frank Lorenzo, the union busting 'godfather' of US civil aviation who has amassed an aeronautic empire on the backs of his workforce.

He has already succeeded in making himself one of the most unpopular employers in France, and has set his sights on the broader European horizons opening up with air liberalisation in the European Community.

Lapautre is now locked into a bitter dispute with the unions representing the UTA staff — principally the ITF affiliated cabin crew union SNPNC, the flight engineers SNOMAC and the pilots SNPL. So far, in May and June, there have been eight days of strike action against UTA, and this, accord-

ing to the unions, is just the beginning.

Essentially, Lapautre is trying to expand his operations and increase profits by squeezing the money out of his workers. He is demanding higher productivity and wage cuts of up to 50 per cent while, simultaneously, laying off workers.

If this all sounds familiar to followers of Lorenzo, whose attacks on wages and working conditions at Continental and Eastern are regularly covered in *ITF News*, the other tactic of Lapautre's is almost a textbook copy of Lorenzo's strategy — he has established a subsidiary charter company (Aeromaritime) which is operating without union contracts at lower rates of pay and poorer working conditions, and is in the process of transferring UTA work to this subsidiary.

In response to union refusal to accept wage cuts and a reduction in working conditions, Lapautre has now told the unions that he is ripping up all collective agreements signed over the last 25 years.

SNPNC General Secretary Michel Abraham, during the latest four day strike at the beginning of June, said that "we are not willing to surrender..."

"The repetition of these rough blows has reinforced all the workers in their determination to fight for and preserve their rights," he said.

Lapautre refuses even to negotiate with the unions, and so strike action, which includes crews in Tahiti and Noumea (who are targets of even larger wage cut demands) looks likely.

Eastern to be kept under surveillance

The US Transportation Department has completed its unprecedented month long fitness inquiry into the running of the Eastern and Continental subsidiaries of Texas Air (see *ITF News* May 1988).

While the DoT found that no action against Texas Air supremo Frank Lorenzo was justified, it nevertheless expressed grave concern about the situation at Eastern where the unions have been locked in a fierce and increasingly bitter battle with Lorenzo ever since he took over the company nearly two years ago, culminating last month in the \$1.5 billion law suit brought against Eastern's unions.

Fears that a continuation of the deep-seated labour unrest at Eastern could have serious implications for passenger safety has led the Transportation Secretary to ask former Secretary of Labor William Brock to act as a special mediator — a welcome move that will perhaps take some of the heat out of the confrontations with Eastern's management.

But with Lorenzo grimly determined

to reduce conditions at Eastern to those of its non-union competitor Continental, Brock will clearly have his work cut out.

Despite the largely clean bill of health the DoT has thus given Lorenzo's airline empire he is not out of the woods yet. DoT officials have been asked to keep the group's operations as a whole under special surveillance.

Meanwhile, Eastern's unions have lost a further round in their battle to stop Lorenzo selling off the airline's profitable New York-Washington

shuttle service. On 7 June the Federal Appeals Court struck down an earlier injunction barring the company from disposing of the East Coast shuttle to a newly created Texas Air subsidiary (see March/April issue of *ITF News*) on the grounds that the judge who heard the case had failed to make out a proper factual case.

The next step in the legal process is to establish whether a separate injunction against the shuttle sale is warranted. The IAM has also been given 10 days in which to seek a fresh temporary restraining order.

SAS TO KEEP LINTA SHOP

Ground mechanics with the Scandinavian carrier SAS have welcomed the company's decision not to sell off its Linta engine workshop. Instead, SAS will retain 75% ownership of the company and Volvo Flygmotor — one of two potential buyers rumoured earlier this year to be interested in taking it over — will take a 25% share. The

union branch of the Transport Workers (STF) at Linta are delighted that they will not now lose their STF membership as they feared and that a period of uncertainty is now behind them. They are particularly pleased that their numbers will be boosted by the highly skilled Volvo workers.

Air Nauru dismisses striking pilots

The three week old strike by Air Nauru pilots in support of recognition of their union came to a head on 13 June when the government issued dismissal notices to all 17 striking pilots.

Since the strike began on 24 May (for story see last issue of ITF News) the tiny central Pacific island republic of Nauru has remained virtually cut off from the outside world — the only connections, apart from private air links, being by the long sea routes which link it with the outside world.

Throughout the strike — despite generous conciliatory gestures from the pilots — the government has refused to change its position, saying that it was not prepared to recognise any union or association speaking on the pilots' behalf or to reinstate Captain Reid, the union's secretary — whose dismissal had sparked their strike in the first place. All that it offered was a meeting with the minister on condition that normal services had first been resumed.

When this attempt to intimidate the pilots failed, they were then instructed to attend a meeting with the Chief Secretary on 13 June. A government aircraft would, he said, be laid on to bring those Air Nauru pilots who were in Melbourne to the meeting. Their refusal to accept the government's 'invitation' coincided precisely with the pilots' mass dismissal.

Attempts by the union with the assistance of the IFALPA (International Federation of Airline Pilots' Associations) representative in Australia to organise a meeting at Nauru House in Melbourne on 8 June were frustrated by instructions given to the Consul General from Nauru that the union representatives were not to be seen.

As part of their effort to win the support of local public opinion for the strike, the association's members mounted a picket of Nauru House on 14 June, carrying posters drawing attention to the lack of workers' rights on Nauru and the unsafe condition of its airport (apparently the airport has no proper fencing and islanders often stray on to the airstrip).

On the same day union Chairman Captain Barry Tate attempted with others to present a letter to consular officials offering to meet Nauru government representatives "at any place"

provided the government was prepared formally to recognise the association. (The dismissal notices though already in effect, were not in fact received until 16 June).

During the strike the pilots had been busy mobilising international support for their action. Indeed, well before it began, they had been in regular contact with both the ITF and IFALPA keeping both of us up to date about their battle for union recognition and settlement of their pay grievances (they have had no pay increase since 1981) and seeking active international support.

ITF civil aviation unions have been giving valuable support and solidarity

to the striking pilots. In Melbourne Australian ground staff unions imposed a ban on an aircraft stranded by the strike, in New Zealand Air Nauru aircraft were delayed by union action and given only non commercial service certificates when eventually allowed to leave.

According to our latest information, the government of Nauru is now seeking to recruit replacement pilots from Gulf Air and non unionised pilots from India. The ITF in close cooperation with IFALPA is continuing to give all possible support to this tiny newly formed aviation union in its fight with a union-busting government.

COURT CITES DEREGULATION AS CAUSE OF AIRLINE FAILURE

In a legal breakthrough, a US judge has ruled for the first time that the demise of an airline — Braniff International Airways — was brought about by deregulation.

The decision, which was handed down last month six years to the day after the bankruptcy, is significant in that it at last opens up the way for proper financial compensation for the thousands of the company's former employees who lost their jobs in the twenty-one month runup to the company's collapse in May 1982.

In a comprehensive 126 page decision, US Department of Transportation Administrative Law Judge Ronnie A Yoder ruled that the regulatory changes introduced by the 1978 Deregulation Act were the "major cause" leading to the collapse of Braniff and that other suggested causes "operated only intermittently, if at all".

Now that the hurdle of establishing the essential link between deregulation and the bankruptcy has been cleared — a necessary preliminary under the Act — Labour Protection Provisions, built into the law by Democratic congressmen to ease the pain of deregulation, now come into effect.

The case for the former Braniff staff was brought jointly by the Air Line Pilots' Association (an ITF affiliate) and the non-affiliated International

Brotherhood of Teamsters. The two unions have welcomed the DoT decision which vindicates their long standing claim for compensation on behalf of their members at Braniff while complaining bitterly at the length of time that it has taken to obtain justice. They point out that claims lodged as early as 1979 were neglected for years, forcing ALPA to initiate legal action in 1985 to force the Transportation Department to process cases.

In a joint press statement issued by ALPA President Henry Duffy and Acting IBT President Weldon Mathis, they accuse the (now defunct) Civil Aeronautics Board and the DoT of repeatedly denying that deregulation was responsible for the job losses suffered by airline employees and of using "every possible procedural device to delay and confound the process".

They see the judgement as a belated acknowledgement of the immense harm caused to airline workers by deregulation. Because it has taken so long to get this result the union leaders believe the employee protection program will prove a "hollow mockery" unless certain steps are taken.

They suggest that because of the delays encountered the program should be extended first of all for a further five years and warn that if the Department

Continued on page 8

UK unions call for Euro-safety agency

The liberalisation of air transport in the European Community countries must be accompanied by the creation of a joint European Air Safety Agency to ensure that safety standards are not compromised. This is one of the main recommendations of a report written by British civil aviation unions and published by the Trades Union Congress (TUC) in June.

The report, entitled "Cleared for Take Off?" was produced by a special Working Group in response to a resolution adopted by the TUC Congress in 1986 which called for a general review of civil aviation safety. The continued growth in the volume of air traffic (expected to at least double between now and the end of the century) combined with greater economic pressures on operators as a result of deregulation is likely to lead to a fall in the industry's high safety standards unless serious attention is paid to safety issues, the Group members warn.

The 45 page report looks at the causes of accidents and at the rising number of airmisses being recorded in UK airspace, and it examines some of the main issues in accident prevention: engineering standards; air traffic control; fatigue; international terrorism. New flight deck systems which can improve safety such as Microwave Landing Systems (MLS), electronic flight information systems, collision avoidance systems (CAS) and wind-shear detectors are discussed at length. More stringent and internationally standardised procedures for training and certificating Licensed Aircraft Engineers are also recommended.

Special attention is paid in the report to the situation of **Air Traffic Control**. Proper certification for Air Traffic Engineers who maintain ATC equipment together with legal limits on the hours worked by air traffic controllers are both necessary to avoid the risk of more collisions in the increasingly crowded airspace over the British Isles.

In the light of the 1985 fire disaster at Manchester Airport the Group's recommendations go into considerable detail over methods of mitigating the effects of serious accidents. Current **evacuation time** standards for commercial aircraft are criticised because they do not pay enough attention to the problems encountered for example when the cabin is filled with smoke. The report also argues for an acceleration in the provision of fire hardening for seating fabrics, interior trim, and cabin walls and for the installation of more efficient fire suppression systems on board. The report suggests that improvements in the survivability of post crash fires could also be brought about by better lighting, seating arrangements, and a reduction in the amount of carry on luggage. In a recommendation which is becoming heard increasingly from safety experts worldwide the report makes a plea for an end to duty free alcohol sales at aircraft departure points and on board the aircraft. While these sales represent an important source of airport revenues, they increase take off weight unnecessarily and appreciating the effects of several hundred kilos of alcoholic spirit on a cabin fire requires

little imagination. Drawing on the Manchester experience the Group recommends individual smokehoods should be provided for every passenger on commercial flights. These would, it says, be more useful than the life jackets which are presently provided and demonstrated on every journey. There should also be better passenger safety briefings, including more use of video.

The Group's report supplies useful additional material for ITF affiliates preparing for Civil Aviation Week in December 1988. It expresses serious concern at the implications for air safety of the massive cost cutting programme which has followed in the wake of the US airline deregulation experiment. A number of safety threatening cost cutting measures, many of which have already been the subject of campaigns by ITF civil aviation affiliates in many countries, are identified:

Key recommendations of the report are:

- * the creation of a Joint European Agency to coordinate air safety
- * mandatory installation of advanced flight deck warning systems on all public transport aircraft
- * review of emergency evacuation testing
- * more work on smoke hoods and the installation of 'total flooding' fire control systems on board aircraft
- * stricter measures to protect staff and passengers against hazardous cargoes.

Copies of the report are available at a price of £5 from: TUC Publications, Trades Union Congress, 23-28 Great Russell St., London WC1B 3LS

...Congress should examine broader issues

Continued from page 7
of Labor does not expedite rulemaking to implement the program the unions will seriously consider legal action to force its hand. Congress must also come up with the money to fund the assistance payments to affected employees.

Finally, they want to know why when complicated airline merger cases only need six months, the DoT should take six full years to come to a decision in the Braniff case. "Six years is too long to decide whether employees

qualify for financial assistance", they argue.

The unions recognise only too well that this is only one instance of employee hardship following deregulation and that there are many more similar cases at other carriers. This is why they will be urging Congress to analyse the first ten years of deregulation with a view to establishing the precise extent of its impact on employees in the aviation industry. They would also like Congress to examine

aviation deregulation in the wider context of deregulation generally, pointing out that the effects of deregulation in trucking on industry employees have also been ignored or denied by federal agencies.

* The possible link up between Scandinavian carrier SAS and Aerolineas Argentinas (see story in March/April issue of ITF News) has been delayed according to a SAS statement issued earlier this month.

DOCKERS

ITF support for New York tug strike

Seafarers' affiliates of the ITF and crews on flag of convenience ships covered by ITF agreements have been asked to act in support of the 18 week old strike by crews of tugboats in the ports of New York and New Jersey. The strike, which is over demands by employers for a 40-60% cut in wages and benefits, is being organised by Local 333 (United Marine Division) of the ITF affiliated International Longshoremen's Association (ILA). ILA President John Bowers, who attended the meetings of the ITF Dockers' Section Conference and FPC in Rotterdam was successful in persuading the FPC to reaffirm its 1987 decision to ask for solidarity action by seafarers in support of striking dockers. Bowers followed up that decision by asking the ITF to inform all seafarers' unions that tugboats in New York and New Jersey are currently being crewed by non-

union personnel, many of them unqualified.

The companies involved include: McAllister Brothers; Moran Towing and Transportation Company; Turecamo Towing Company; Eklof Marine Company; Bunker and Towing Service; Morania Oil Company; Reinauer Transportation Company; Red Star; and Hess Subsidiaries. As well as docking and undocking ships these companies also supply bunkers to the ships with oil barges. According to Bowers "all attempts by the ILA to reach a compromise agreement have been rejected by the companies which appear to be determined to destroy the union."

In response to the request ITF Assistant General Secretary Åke Selander has contacted all ITF seafarers' unions pointing out that ILA picket lines have been established in the ports of

New York and New Jersey and passing on the union's request for support including action, where possible, to divert ships to other ports or to prevent or slow down tugboat operations.

BRAZILIAN DOCKERS STRIKE FOR ONE HOUR EVERY DAY

Dockers in Brazilian ports who are members of the ITF affiliated CNTTFMA have been stopping work for one hour during the day and night shifts in a bid to persuade the employers to meet their demands for salary improvements, increased job security and other benefits. The dockers' action began on 22 May and continues until further notice.

OBITUARIES

Frank Drozak: 'A champion of seafarers' rights'

Frank Drozak, President of the ITF affiliated Seafarers' International Union of North America (SIUNA) died on 11 June after a short illness. Drozak, who was 59, was elected to head his union in 1981 following the death of Paul Hall. With Hall and with founder President Harry Lundeberg, Drozak was only the third man in the union's history to hold the post.

Drozak's maritime career began as a bosun aboard US flag vessels operating out of Mobile, Alabama. He later served as an SIU organiser both in Mobile and in the union's Philadelphia office. In 1965 he was elected a vice-president of the union and in 1972 he was assigned to SIU headquarters in New York with responsibility for contracts and contract enforcement.

Drozak also served as president of the Maritime Trades Department of the US national trade union centre the AFL-CIO from February 1980 onwards and was a prominent member of the



ITF Seafarers' Section. In 1986 he led the workers' group at the ILO Preparatory Technical Maritime Conference in Geneva in drafting major new repatriation rights for seafarers.

In a message to SIUNA Executive Vice-President Mike Sacco, Åke Selander ITF Assistant General Secretary expressed the ITF's deep sorrow "that yet another champion of seafar-

ers' rights has been lost to our ranks." Drozak was, he said, "a forthright defender of the brotherhood of the sea who never hesitated to speak his mind and who was always anxious to uphold the principles of equity and fairness. He enjoyed the confidence of both ratings and officers and he will long be remembered for his fervent endeavours to save national flag shipping from the grasp of runaway shipowners."

* * *

Emil Amft of the German Railwaymen's Union (GdED) died on 25 March at the age of 72. Amft worked at the GdED's headquarters in an administrative capacity for nearly thirty years and was one of the officials most actively involved with building up the union again after the war. Within the ITF he will be remembered for the valuable help he gave in organising the Wiesbaden Congress of 1968.

Foc policy review adopted by FPC

"The ITF is opposed to second flags". That was one of the most important messages which came out of the three day session of the ITF Fair Practices Committee (FPC) which met in Rotterdam from 1-3 June. The FPC, representing seafarers' and dockers' unions from 38 countries, is the body within the ITF charged with co-ordinating the campaign against flag of convenience (FOC) shipping. The Rotterdam meeting, held in the 'De Beer' centre, which has recently been purchased and renovated with ITF assistance, was charged with finalising a major review of the ITF's policy on FOCs which has been carried out at its request during the past 12 months.

Recognising that the continuing trend towards flagging out ships shows

the very limited success which the ITF campaign has had in driving ships back to the registry of beneficial ownership, the policy review document urges all ITF unions to step up political and industrial action at both national and international level.

It also recognises a new phenomenon in the shipping market over the past two years - the establishment of 'offshore' or 'second' registries by the governments of maritime nations with less onerous conditions than those imposed on bona fide national flag vessels. As documented in the 'flag round up' stories carried in each edition of ITF News and in the ITF's Seafarers' Bulletin' these registries - led by the NIS the Norwegian International Ship Register - have taken a

major slice of world tonnage and are posing a real threat to the traditional flags of convenience. Shipowners are becoming more and more interested in these second registries (offshore as a term hardly suits landlocked countries like Luxembourg which are keen to grab their share of the action) because they appear to offer all the advantages of an FOC without the stigma and, they hope, without the risk of action by ITF dockers' and seafarers' affiliates.

Following a long and difficult discussion, the FPC agreed to express in clear terms the ITF's opposition to second registers. It also recognised that in some situations affiliates may, as a result of national government policy, have no option than to accept such registers. In this case the FPC laid down a number of conditions which must be fulfilled for the register to receive a clean bill of health from ITF unions: the register must have a positive effect on the country's economy; it should involve tax relief for seafarers; there must be no cut in seafarers' social security standards; trade union and negotiating rights on board the ships must continue; and discriminatory employment conditions must be avoided.

The meeting also laid down detailed guidelines for the practical application of FOC policy to second registers:

- * any ship under a second registry not beneficially owned in the country concerned will be treated as an FOC (the only exception to this rule is the use by Belgian ships of the Luxembourg flag in view of the sixty year old economic union between the two countries);

- * the FPC reserves the right to declare any second register an FOC either at the request of the unions in the flag state or on its own initiative;

- * no other ITF affiliate should negotiate with shipowners for a second register ship owned in the flag state without the consent of ITF affiliates in that country.

The purpose of these rules is to make it crystal clear to shipowners and

FPC SUPPORT FOR NUS

The Fair Practices Committee in Rotterdam declared its full support for the National Union of Seamen in its continuing dispute with P & O European Ferries (see ITF News May 1988). After hearing a report from NUS Acting Deputy General Secretary Tony McGregor (both the union's General Secretary and Deputy General Secretary are receiving medical treatment) about the history of the dispute and the current situation, the FPC also condemned in the strongest possible terms the repressive action taken against the union under the terms of the anti-union legislation adopted by the British Conservative Government which had led to the seizure of all the union's assets and the expulsion of officials from the union's offices. It also condemned the intransigence of the company which had consistently refused to negotiate a fair settlement with the union, had dismissed all members remaining on strike, withdrawn union recognition and employed strike breaking crews, and it called on all ITF affiliates to give all possible support to the NUS in its attempts to bring the dispute to a satisfactory conclusion.

**NUS General Secretary Sam McCluskie declared that he was "shocked, angry and amazed" by a decision by P & O to withdraw its admission of acceptance of liability in respect of crew members on the ill-fated Herald of Free Enterprise. The company had earlier accepted liability on the second day of the public enquiry but, in the middle of one of the most bitter industrial disputes in the NUS's history, it decided last week not to make an out of court settlement with the union's lawyers but to insist on each case being handled individually in court. 36 ratings are claiming damages for personal injury or loss as a result of the capsizing of the vessel outside Zeebrugge in March 1987. NUS lawyers have now applied to the High Court in London for a summary judgement establishing P & O's liability in the case.

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Asbestosis' seafarers fight for compensation

Legal efforts to seek compensation for 1,600 US seafarers who contracted asbestosis while serving at sea suffered a setback in the District Court last May.

Judge Thomas Lambros of the Ohio Eastern Division rejected the claims of 1,568 seafarers on the basis that the medical evidence was not verifiable.

The case, taken by a leading US maritime lawyer, alleges that the seafarers developed asbestosis as a direct

result of their working conditions on board US flag ships from the 1950s onwards.

There have already been a number of successful claims by seafarers settled out of court by the insurance companies. Last year, in New York, a court awarded US\$10.4 million to a former chief engineer who had worked on ships carrying asbestos between 1948-58.

According to lawyers acting in this

case, there are over 13,000 cases of seafarers suffering from asbestosis who served on asbestos carrying vessels or on board ships on which asbestos was used as a construction material.

The legal problem lies in establishing direct causal relationships between the times the seafarers served on these ships and the later development of the illness. In this case, the Judge ruled that insufficient specific medical evidence had been submitted — but the lawyers are taking the case to appeal.

...Cruise ship campaign to be launched

Continued from page 10

to governments sponsoring or considering launching a second register that ITF affiliates will not tolerate their use as open registers. They are also designed to dampen the enthusiasm of those who would like to see the flag of Luxembourg (current fleet one ship of 1000 tonnes) become a European sub-standard flag.

The second registers debate was only one in a long series of issues raised in the course of the FPC's policy review discussion. The meeting also agreed that ITF unions should step up their political action to persuade governments to support genuine national fleets - direct financial support; tax relief; extension of cargo reservation policies; more emphasis on the skills and qualifications of crews of traditional maritime nations; more stress on the importance of merchant fleets for national defence purposes and greater use of port state control to enforce social as well as safety standards.

The Committee recognised the dissatisfaction within some of the ITF's affiliates about the difficulty of comparing the various Total Crew Cost (TCC) agreements which have been approved by the FPC for flag of convenience ships and it agreed to move towards a single uniformly applied ITF Collective Agreement.

Other policy questions touched on in the review included: inter-union competition; the engagement of 'passport holders' without proper seamen's training; pension and welfare arrange-

ments for FOC crews; and how to deal with FOC ships crewed by seafarers from countries such as Poland which have no genuine seafarers' unions.

The meeting also concerned itself with the practical aspects of implementing the FOC campaign. In particular it agreed that :

- * unions should reaffirm their readiness to take trade union action in support of crew members on FOC vessels;

- * the ITF should reaffirm its readiness to assist affiliates in their fight to implement ITF policies on flags of convenience;

- * the ITF should step up its educational and campaigning activities and should use new communications techniques to improve contacts between affiliates, crews and the ITF;

- * procedures for consulting affiliates about agreements for FOC ships should be streamlined;

- * there should be an improvement in the staffing at ITF headquarters connected with the campaign;

- * a manual of standard procedures and advice for affiliates should be produced by the ITF Secretariat together with a summary of current policy decisions;

- * other ITF sections including road transport, railwaymen and inland navigation workers should be asked to involve themselves in the campaign too.

The FPC advised all dockers' affiliates to examine their own collective agreements to see whether they could

achieve provisions which would make implementation of the FOC campaign easier. It also agreed to reassess the size and geographical scope of the inspectorate provided by ITF affiliates to visit ships and to make major improvements in inspectors' training. Finally it was agreed to support both legislative and corporate campaigns by the ITF's US affiliates designed to organise the large Foc-flagged cruise ship industry operating out of Miami.

In response to reports of the meeting carried in *Lloyds List* a few days later, International Shipping Federation Director John Lusted was reported as saying that the ITF had missed an opportunity to abandon its outdated campaign. That was never even on the agenda. While the ITF and the ISF share common views on the need to eliminate substandard shipping, there is a fundamental disagreement about the need for a genuine link between ship and flag. The ITF has never, and will never accept that any country which feels like earning a few dollars can be allowed to rent its nationality out to shipowners of any nationality, nor that shipowners alone of all employers worldwide can be permitted to pick and choose the laws under which they operate free from worry about government or trade union action. For the crew members on board FOC vessels who are among the most exploited workers on the face of the earth, the Fair Practices Committee also had a clear message - "even though the going is getting tough, the ITF has no intention of abandoning you".

Gambia to become yet another Foc?

According to press reports, discussions are well in hand about the establishment of an Foc register based in the west African state of Gambia as part of a wider scheme to attract offshore business. The government has asked a Greek shipping group—Despina Maritime—for assistance and the drafting of legislation is expected to follow.

Plans for the introduction of the new German second register are not going quite as smoothly as the government would

like and the timetable looks likely to be somewhat more protracted than originally envisaged. At the insistence of the parliamentary Opposition, a full hearing of experts in the transport committee has been scheduled for September and the transport ministers of the federal states will be devoting their autumn meeting entirely to shipping policy—principally the register. The transport ministers will hear a suggestion from the Bremen senator with responsibility for shipping that German owners should be permitted to hire a specified number of foreign seafarers at their national wage rates on German flag ships. Once these two meetings have taken place a vote will be taken in the lower house and then the bill will go to the upper house, the Bundesrat before becoming law. The ITF affiliated German seafarers' union ÖTV remains implacably opposed to the principle of a second register or to any scheme which introduces discriminatory wages and working conditions on board German flag ships.

Another major British company—leading bulk cargo operator Stephenson Clarke—has plans to transfer its tonnage to the growing Isle of Man registry. The company announced last month that it was transferring its entire 14 vessel fleet to the island, citing the unprofitability of the short sea trades as its reason for switching flag. It intends to place crewing arrangements in the hands of island-based manning agents, probably retaining 250 officers and ratings on offshore contracts. The

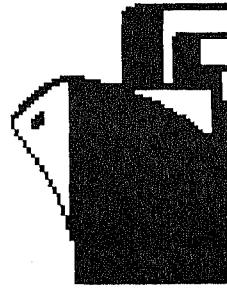
officers' union NUMAST says the move was not unexpected and both it and the NUS are to meet the company

port Minister for Shipping.

In Norway, leading ship management company Barber International has signed a collective agreement with the Federation of Korean Seamen's Unions (FKSU) to provide South Korean crews for NIS-registered tonnage. The agreement has the backing of the Norwegian seafaring unions and follows similar deals reached with Indian and Filipino unions.

Under pressure from owners the Spanish government has agreed to a \$420 million restructuring programme—the money, which will come equally from the government, the state owned Banco de Credito Industrial (BCI) and the owners, being spread over the next two and a half years. A new company is to be formed to handle payments to companies submitting restructuring plans and owners will be required to match dollar for dollar any money they receive from government funds. It is hoped to have the scheme in operation by the year end. Together Spanish owners owe the BCI a staggering \$1.6 billion of which \$614 million is overdue. The Spanish flag is shedding tonnage at an alarming rate, losing 15% last year, and owners are fearful that they will be unable to compete once the single European market comes into effect at the end of 1992.

The ITF's regular flag by flag roundup



to discuss the implications of the flag switch. This development has led to speculation that Stephenson Clarke's sister company John Kelly of Belfast could be the next to flag out its four British registered ships. Powell Duffryn chairman Bill Andrews admitted that further flag changes were under consideration but that it would be up to the John Kelly board to make the final decision.

At long last, Liberia— one of the original entrants forty years ago to the Foc club— has decided to create a separate transport ministry with responsibility for its shipping register. The new Shipping Minister is Ms McLeod Darpoh, and the current Commissioner for Maritime Affairs, Joe Keller, takes over as Deputy Trans-

FORTHCOMING MEETINGS

27-28 June	Research and Publications Meeting	London
20-21 Sept.	Rhine-Main-Danube Working Group	Strasbourg
28.-30 Sept.	Civil Aviation Section Conference	Tenerife
4-6 October	Road Transport Section Conference	Brazil
18-19 October	Executive Board	Nuremburg
30 Nov.-2 Dec.	Seafarers' Section Conference	Brazil

INNOCENT SEAFARERS CONTINUE TO BE TARGETS IN GULF WAR

The long drawn out war between Iran and Iraq — now over seven years old — shows little sign of calming down, with attacks on innocent merchant ships continuing to provoke international concern and renewed calls for more effective protection for seafarers.

The pattern of attacks is patchy with periods of relative calm being succeeded by others of frenetic activity with attack and counter attack on tankers, causing injuries and deaths.

Mid-May saw one of the worst incidents of the year when the world's largest ship, the *Seawise Giant*, was bombed and set on fire while she was berthed at the Larak Island terminal in the most destructive attack to date by Iraqi jets on Iran's key oil trans-shipment facility. Two other ships the *Barcelona* and *Argosy* — moored alongside the *Seawise Giant* — were also hit and seriously damaged and a few days later a second explosion was triggered off on the *Barcelona*, sinking both it and a nearby tug. A fourth ship the ULCC *Burmah Endeavour* was also targeted by the bombers, but with less destructive effect. Sixteen bodies were recovered from the hull of the *Seawise Giant* and a number of crewmen from the other ships were listed as either dead or missing following the bombing raid.

The Iraqi attack triggered a counter move by Iran against a Japanese owned chemical tanker flying the Panamanian flag — the *Ace Chemi* — in the Strait of Hormuz. This was followed by further attacks on the bulker *Don Miguel* and the petroleum gas carrier *Mundogas Rio* as Iran stepped up its campaign to disrupt shipping in the region. A two week lull followed and then the attacks started once more with a speedboat raid on the British flag tanker *Esso Demetia* off Ras Tanura and the German dry cargo ship *Dhaulagiri* in the Strait of Hormuz in what could easily escalate to a tit-for-tat sequence by the two warring nations.

US navy protection has been extended at times during the tanker war to American owned tonnage under

other flags and so it was not entirely unexpected that the US should announce at the end of April that it would respond to attacks on neutral ships of every nationality.

While this move may give some reassurance to seafarers in the Gulf, US warships — and those of other nations on station in the Gulf area — are unable to offer the same degree of protection which could be provided by a UN peace-keeping force as demanded by the ITF in February.

The international shipping community has backed this call in recent weeks saying that the UN had a clear responsibility to do all it could to defend the right of innocent passage in the Gulf.

14 per cent for Indian seafarers

Indian seafarers who come under the National Maritime Board agreement are now on average 14 per cent better off thanks to the efforts of their union, the ITF-affiliated National Union of Seafarers of India (NUSI), which reached a new two year pay deal with the owners last month.

Ten days of tough negotiations, with the union side led by NUSI General Secretary Leo Barnes, has resulted in wide ranging improvements despite the present difficulties facing Indian shipping.

The main benefit comes from the increases negotiated in the basic rate, which amount to 6 per cent from April 1988 and 3.5% in 1989. The enhanced basic will also have a knock-on effect on premium rates such as the overseas and the tanker allowances (now ex-

Meanwhile, the attack on the *Barcelona* — owned by the Spanish company Marflet but under charter to Repsol Petroleo — has prompted calls from Spanish seafarers' unions — including the ITF-affiliated UGT — to their government to ban Spanish flag merchant ships from the dangerous waters of the Gulf. There are no signs that the government will do this but it has officially accepted the US offer of protection from its warships, though such protection would not have protected the *Barcelona* at Larak as this is outside its scope.

Ironically, the *Barcelona's* crew had been on strike for 102 days off the coast of Egypt immediately prior to its last ill fated voyage because two crewmen had been sacked for saying they were not prepared to sail to the Gulf — exercising their rights under a UGT agreement. Marflet vigorously denied the union's claim that the men were victimised for refusing service in the Gulf, citing other reasons for their dismissal, but the union remains adamant that the right of seafarers not to sail to the Gulf must be respected in all circumstances.

tended to chemical and gas tankers) which are fixed by reference to it.

The base rate increases mean that the average seafarer will have an extra 320 Rs take home pay in his monthly pay packet this year, a figure that will rise to 610 Rs in April next year when the second stage increase is applied.

Other significant gains include an extra six days' paid shore leave each year (seafarers will now be entitled to 81 days a year with a subsistence allowance of 28 Rs) and a 20,000 Rs increase in compensation for death and disability arising in the course of duty. Additional compensation has also been won for death (40,000 Rs) or injury (48,000 Rs) resulting from the carriage of hazardous cargoes (such as radioactive materials, explosive and petroleum products).

TEN YEAR LEGAL BATTLE ENDS WITH \$175,000 PAYMENT TO CREW

A ten year old claim for back pay was settled at the last minute in London early in June just before the case was set to go before the High Court. As a result of the efforts of the ITF and its lawyers in this case, 22 crewmembers received a total of US\$175,000 from their former employer.

The case concerned the US-owned, Liberian flag *Universe Sentinel* which was crewed mainly by Indonesians (with a smattering of other nationalities). In July 1978, the ship called at Milford Haven in Great Britain, where industrial action by British dockers (legal at the time) secured an ITF agreement for the crew — who had been signed up under a bogus union agreement with the so-called "Global Seamen's Union" of the Cayman Islands.

Despite signing the agreement, the owners never paid the crew their entitlement. The crew, through the ITF, eventually issued a writ in 1982 claiming backwages of US\$220,000.

A long legal wrangle then followed, where the owner attempted to avoid paying the money to the crew.

The registered owner of the ship was a company called Universe Tankships, which is, in reality, owned by US tycoon and millionaire Danny Ludwig of National Bulk Carriers (whose most recent investments include attempts at the deforestation of Amazonia).

Initially, the owners used the fact that some crew members had started individual actions in different countries to fend off the law suit in England. This ploy failed when the ITF got the crewmembers together, and had all the separate cases dropped in favour of one action in the UK.

The owner then attempted to argue that the crew had only signed an ITF agreement under "duress". If this didn't work he had another card up his sleeve — that the contracts, in any case, should be governed by Liberian law.

The owner eventually filed a defence in July 1984 but because it was



Former *Universe Sentinel* crewmembers outside the ITF Headquarters in London

scheduled to be a three week case, the British courts could not schedule the trial until June 7, 1988.

As the trial date approached, the ITF was faced with the almost insurmountable task of rounding up all the original crewmembers and witnesses, who were now, many years on, scattered all over the globe.

In the end, 22 of the original 25 seafarers were found and interviewed by the ITF lawyers. In the process they had to visit the Netherlands, the Federal Republic of Germany, the USA, Cape Verde, Indonesia and Yugoslavia.

As the trial date approached, the lawyers representing Ludwig's company began to get cold feet. They offered the crew \$US80,000, which was rejected. They upped the offer to \$US165,000, and then reluctantly to \$US175,000 — a figure which the crew accepted as representing over 80 per cent of the original claim.

Each of the crewmembers received a different sum, depending on their

rank and the length of time they served on the *Universe Sentinel* — the individual settlements ranged from \$2,000 to over \$17,000.

In the words of one ITF lawyer "This represents a sizeable sum for these seafarers. It's enough money for them to live for a number of years or start up a business. It's only because of the ITF's help that they have been able to get this settlement."

"This was a very satisfactory settlement given that the industrial action took place ten years ago. It ought to encourage seafarers the world over to know that the ITF is willing to persevere with a case such as this in order to see that the crew receive justice in the end," he said.

After the settlement, a number of the crew (who were waiting to testify in the case) came to ITF Headquarters to celebrate their victory and meet ITF General Secretary Harold Lewis and Assistant General Secretary Åke Selander.